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BOTHA



A BRIEF GUIDE  
TO THE  
Various Classes of Documents  
IN THE  
CAPE ARCHIVES  
FOR THE PERIOD  
1652—1806.

BY  
C. GRAHAM BOTHA,  
*In Charge of Cape Archives.*

CAPE TOWN :  
CAPE TIMES LIMITED.  
—  
1918.



## PREFACE.

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As the title indicates this book is intended to serve only as an index to the classes of the official records preserved in the Cape Archives from the beginning of the Colony's history to the year 1806. It has been felt that little appears to be known as to the nature of the different records which make up our collection of national documents. I trust, therefore, that the following pages will supply this want and indicate the importance of these records, which contain the most authentic sources for the history of South Africa.

The Dominion Archivist and Keeper of the Records in his report of the Canadian Archives for 1904 says, "The true history of men, of their motives, and of their influence on the progress of this great country, which is now beginning to take its proper place, can be fully appreciated only in the light of documents which at present, to the great majority, are unknown." To some extent this is true as far as South Africa is concerned, but to the untiring labours of the late D. Moodie, Esq., the late Rev. H. C. V. Leibbrandt and Dr. George McCall Theal, and to whom students owe a debt of gratitude, much that had been hidden under the covers of a great number of volumes has seen the light. In addition to his numerous works Dr. Theal's "Records of Cape Colony" will ever stand as a monumental work. Yet, much remains to be done.

With the birth of the Union of South Africa there has been a gradual growth of national life and with it a spirit of enquiry into the traditions of the past and everything which aids in the reconstruction of the picture of bygone generations. Here is the material for such researches and enough will be found to satisfy the most enquiring student. This is the generation of monograph writing and much can be done in this respect with these records as far as South Africa is concerned. This guide will aid in forming a foundation for a history of this country of which any South African will be proud.

At first some difficulty was experienced in deciding as to the form this publication should take, and I trust that the

arrangement with descriptive notes added will clearly show the classes and value of our national records. The history of South Africa might be divided into four periods—the first covering the years 1652 to 1795 when the Dutch East India Company was in possession, the second during the first British occupation from 1795 to 1803. The third was a short space of three years under the rule of the Batavian Republic up to 1806, which brings us to the fourth stage again under British rule. A fifth epoch might be added commencing in 1910 when the Union of South Africa took place. The records enumerated in the following pages are the keynote to the general history of South Africa up to the beginning of the 19th century and from them we are able to gather the social, economic, religious and political conditions of the people.

C. GRAHAM BOTHA.

Archives Department,  
Houses of Parliament,  
Cape Town, June, 1918.

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## INTRODUCTION.

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THE COLLECTION.—The records deposited in the Cape Archives cover a period of more than two and a half centuries, namely, from 1652 to the date of Union of South Africa in 1910. They embrace all the official papers of the old Cape Colony. Those referred to in this book are divided as follows:

PART I. THE COUNCIL OF POLICY, **1652-1795.**

„ II. THE COURT OF JUSTICE, **1656-1806.**

„ III. THE ORPHAN CHAMBER, **1673-1806.**

„ IV. DEPARTMENTS OF THE FIRST BRITISH OCCUPATION,  
**1795-1803.**

„ V. DEPARTMENTS OF THE BATAVIAN REPUBLIC,  
**1803-1806.**

These contain some of the most important and interesting documents relating to the history of this country. Besides having material in them for a constitutional history of the Cape of Good Hope they contain many particulars of the social condition of the people, finance and legal procedure. It may be truly said of them that they “afford the most pure and ample sources of history, the best evidence of the progress of civilization, of the growth of institutions, and of the manners and customs of the country.”<sup>1</sup>

There are still other important records of the 17th and 18th centuries which are not in the Archives but under the custody of the head of the Department to which they belong. I refer to the early title deeds, mortgages and transfers of landed property in the office of the Registrar of Deeds and portion of the judicial records of the Court of Justice kept in the office of the Registrar of the Supreme Court Cape Provincial Division. It is anticipated that the later records up to 1910 of the different Government departments, commenced mostly after the grant of Responsible Government in 1872, will also be deposited here. The collection at present embraces some of the early established departments and magistracies before the first half of last century. I give a list of the latter in the Appendix.

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<sup>1</sup> Remarks made by Select Committee of House of Commons on the Public Records of England.



## INTRODUCTION—(continued).

MISSING DOCUMENTS.—Those who have used the documents for historical purposes or have made researches will, I am sure, agree that their importance cannot be over-estimated. When the history of their preservation in early days is told it will surely be said that it is a matter for congratulation that they are so complete. It is a matter of surprise when the history of other Archives is compared to find so many of the Cape records still in existence. Fire, water, war and age have caused irreparable loss to the muniments of European countries. Even Batavia, so closely associated with the early years of South African history, suffered from these causes as well as the ruthless destruction of many which were considered useless. Many of them were also lost through the ravages of time and also through white ants eating the papers.

From time to time it becomes necessary to destroy documents unsuitable for preservation in order to give accommodation for more valuable ones. But this should be only done under proper precautions. Without these precautions the ruthless destruction often leads to losses which are keenly felt by the historical student at a later date. In 1782 we find the Council of Policy here authorising fifty-nine volumes of "orders regarding permission granted to the inhabitants to take into their service servants of the Dutch East India Company and the yearly renewals thereof" to be made into cartridges for the troops. These they averred "would never be of any service or use." This is so, as the actual contracts drawn up from these permissions are still preserved. At the date of the first occupation by the British the Archives appear to have been fairly complete if one may judge from the inventory of its contents made in 1795. A comparison of this with the present collection shows that many of the records have disappeared, either through deliberate destruction or by the removal of volumes which have not since been returned. Amongst the records apparently destroyed are those of the Court of Commissioners of Petty and Matrimonial Cases from 1708 to 1788. The loss is to be particularly deplored as the matrimonial particulars of this Court are of great interest to the South African genealogist. Two volumes covering the period 1723-1765 are missing from the series of Instruction and Commission Book which was complete from 1652 to 1795. Other papers of some import are also wanting. I give these few instances only as an example of some of the missing documents.

When or how these records were taken from the collection it is difficult to say, but it is probable that many of the more important ones were allowed to be taken out of official custody and never returned. That this is so appears from a Government Notice as early as 1839. Various individuals had from time to time access to the colonial records and the Governor called upon those in possession of any of the documents enumerated in the advertisement to "be pleased to restore them



**INTRODUCTION**—(continued).

to their proper place without delay." Amongst the papers asked for were the Government Journals for twenty-one different years, and several journals of expeditions into the interior of the colony especially those of Bontle in 1752 and Hop in 1762. The Government Commission appointed in 1876, to examine, classify and index the Archives of the colony reported to His Excellency the Governor that "it was also found that in years past several important volumes had gone astray. Some of these your Commissioners have been fortunate enough to receive and add to the collection, but a few others are not to be found in the colony." Only two of the above journals appear to have been returned to the Archives and it seems that from time to time a stray volume of other records has been given back. The letters despatched from the Cape between 1788 and 1795 were asked for in the 1839 advertisement, but it would appear from the inventory of records taken over in 1795 that this series ran only to 1786, and to which year they are still preserved. It will thus be seen that several generations ago there were already certain gaps in the records of the early Dutch period. It might be mentioned that transcripts of several of the more important ones have been made from the collection in the Royal Archives at the Hague, where originals or duplicates are to be found.

The papers of the period 1795-1803 are also unfortunately not free from having some of them missing. The most important series of despatches received and sent between the Cape Governor and the Secretary for State are wanting.<sup>1</sup> But the reason of this is explained in a communication in 1826 from the Colonial Secretary, Sir Richard Plasket, to the Under Colonial Secretary at Downing Street, R. W. Hay, Esq. He wrote: "We are frequently much embarrassed from not having the official records of the British Government during the first possession of this colony from 1795-1803." He mentioned that they were carried away at the handing over of the Cape, and asked to be furnished with those deposited in the Colonial Office, London, or copies thereof. These have now been copied and are found printed in that invaluable series, Theal's "Records of Cape Colony." It may be of interest to note that the original of the 1795 inventory was used in 1803 when the records were handed over to the Dutch officials by Mr. Andrew Barnard, Colonial Secretary, but no reference was made to the records of subsequent years. The domestic papers of the first British occupation, such as correspondence received by the Governor from the different public bodies, institutions, and inhabitants, are fairly complete. As far as can be ascertained the Archives of the Batavian Republic are complete.

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<sup>1</sup> Enquiries are being made as to whether duplicates of these do not exist in the English records and, if so, whether they could not be sent to the Cape to complete this period.

## INTRODUCTION—(continued).

EARLY CUSTODY OF THE COLLECTION.—It may not be out of place to give here a brief account of the attempts to bring the collection of old records under the custody of an official who would give his whole time to their preservation and make them accessible to the Government and public. Up to 1811 all departments of the Government had their offices in the Castle, when they were removed to a portion of the Government Slave Lodge (now the old Supreme Court Buildings), which had been converted into a suitable place. Here the Colonial Office, which had the Archives under its care, was housed until it removed about a decade later to a building situated between what is now the old Supreme Court Buildings and Parliament House. It would appear that some time later the records must have been placed in the Supreme Court Buildings under the care of the Treasury, as in 1852 Mr. J. Cloete, a clerk in that office, was engaged to make a register of all the old Colonial records, but how far that was carried out I am unable to say. Further, in 1856 Mr. Cloete was informed by the Colonial Secretary that the Governor had been pleased to authorise the Honourable Mr. J. de Wet to consult some of the old records under his charge and that he was to give all assistance in finding the documents Mr. de Wet required. When the 1876 Commission had the records examined they were found in one of the Judges' chambers in the Supreme Court.

In 1872 Sir John Molteno, Prime Minister and Colonial Secretary, wrote to the Committee of the South African Public Library asking whether it would be ready to receive into the Grey collection under the charge of the custodian the Colonial Archives. The Committee replied that while it had no available space in the room in which the Grey collection was preserved it would be prepared to take the Archives under its charge and place them in a suitable room. Further correspondence took place and a deputation met the Prime Minister, but Government eventually decided to make other arrangements.<sup>1</sup>

The honour of being amongst the first, if not the very first, to look into the mass of papers preserved in the Colonial Office must be assigned to Donald Moodie, Esq. In his preface to his "The Record or a series of official papers relative to the condition and treatment of the native tribes of South Africa," published in 1838, he tells us that "The design of this compilation is to render generally accessible, by publication in the words of the original Dutch, and in duly attested translations, the rapidly decaying materials necessary to the formation of a correct knowledge of the history of the colonisation in South Africa, in as far as relates to the Condition and Treatment of the Native Tribes, from the date of the first European Settlement to the end of

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<sup>1</sup> Report of Trustees S.A. Public Library 1917.

**INTRODUCTION**—(continued).

the year 1834." It is probable that in the use of the records he found several wanting and this led to the Government advertisement in 1839. The next student of the old Colonial records was the late Mr. Justice E. B. Watermeyer, whose labours resulted in his "Three lectures on the Cape of Good Hope under the Government of the Dutch East India Company," delivered at Cape Town, at the Mechanics' Institute, and published in 1857. For about a generation these were looked upon as authoritative on the history of that period. He was followed by the late Honourable J. de Wet, LL.D., who collected voluminous notes from the Archives which were to be material for South African History, but the project was never carried out. All these gentlemen—amongst whom were, no doubt, a few others—were pioneers in making extracts from the collection then under the care of the Colonial Secretary's Department.

In 1876 the first Commission to enquire into the state of the Colonial Archives was appointed by the Governor. The members were the Hon. J. H. de Villiers, Chief Justice, the Hon. John X. Merriman, M.L.A., Commissioner of Crown Lands and Public Works, Charles Akin Fairbridge, Esq., M.L.A., William Edward Moore, Esq., M.L.A., and Abraham de Smidt, Esq., Surveyor-General. They were appointed "to collect, examine, classify and index the Archives of the Colony." As previously mentioned these were found at this time in the chamber of one of the Supreme Court Judges and the first thing the Commission did was to have them removed to a fire-proof safe which the Surveyor-General placed at their disposal in his office. The services of the late Dr. T. W. G. van Oordt were secured to examine the documents and he prepared a general inventory of what was found. Many of the older records were damaged by worm and mildew and in others papers were found wanting and irrecoverable. However, on the whole, the more important ones were in a fair state of preservation.

Upon the recommendations of the Commission the papers were allowed to remain in the Surveyor-General's office and anyone who wished to inspect them could obtain permission from an officer of that department. In order to show what little interest was taken in them the Commission remarked in their report that since the announcement in the papers some months previous that access to them was allowed not a single person had availed himself of this. We now find for the first time an official of the Government being appointed to take charge of these documents. This was G. McC. Theal, Esq. (now Dr. Theal, the well-known South African Historiographer), who in 1879 was placed in charge of the Colonial Archives in addition to his duties in the Colonial Treasury. He held this until 1881 when the late Revd. H. C. V. Leibbrandt was appointed as Librarian of the House of Assembly and Keeper of the Colonial Archives. Shortly afterwards

## INTRODUCTION—(continued).

Mr. Theal proceeded to Europe to select documents connected with the Colonial Archives and subsequently became Colonial Historiographer. In 1901 Mr. Leibbrandt relinquished the duty of Librarian to the Joint Library of Parliament, which post he had been given in 1885, and which was then made a separate office. He retained the duties of Keeper, which was at that time created a separate office and which he held until his retirement in 1908.

**SELECT COMMITTEES ON THE ARCHIVES.**—When Mr. Leibbrandt took over the Archives he had them removed to a room in the South African Public Library where they remained until housed in the basement of the new Houses of Parliament about 1886 where the older records are still preserved. In 1895 and 1896 Select Committees were appointed by Parliament both to “report on the Archives of the Colony and specially with reference to their conservation, management and publication.” The 1895 Committee recommended that a catalogue and index be compiled, that an assistant be appointed, that further fire-proof accommodation be given and copies of documents at Lisbon, Rome and elsewhere be made. The second Committee while referring to adequate accommodation for the Colonial Archives was “of opinion that the time had arrived when the necessity for providing one Record Office for the custody of all our Colonial Records should be taken into serious consideration” and suggested the creation of a Public Record Office arranged on the lines somewhat of the Record Office, London.

**THE PUBLIC RECORD OFFICE, LONDON.**—The establishment of the Public Record Office in London was the direct result of a report from a Select Committee of the House of Commons appointed in 1836. The Select Committee of 1836 insisted on the principle, as sound now as it was then, that “the most important business which falls within the province of those who are entrusted with the management of records is that of their proper ‘custody’.” In 1838 the Public Record Office Act was passed which provided for certain specific records being placed under the custody of the Master of the Rolls. By an arrangement departmental papers came under his keeping subject to the control of the heads of their departments, but they could be removed to their place of origin if required. The Master acts as custodian of the Government papers, but they belong to the several departments from which they have been transferred subject to regulations approved by those departments. The Act gives the Master power to remove any record under his charge and superintendence to a safe place appointed by him. This system of having “custody” and “charge and superintendence” is several times remarked upon in the first report of the Royal Commission on Public Records appointed in 1910. In their first report they say, “Under the present method there is a kind



## INTRODUCTION—(continued).

of dual control which cannot be justified on any rational ground, and which is tolerable in practice only because in this, as in many other cases, the work of English public servants is more intelligible than the letter of their official rules."<sup>1</sup>

THE CAPE ARCHIVE OFFICE TO-DAY.—Upon the retirement of the Keeper of the Archives in 1908 the Government appointed in the following year a Commission of six gentlemen "to have the custody on behalf of the Colonial Government of the Archives."<sup>2</sup> The Commission felt the want of an inventory of the contents of the collection and this work was put in hand. A notice in the *Gazette*<sup>3</sup> asking persons possessing documents of historical importance or interest in connection with the history of the Colony to communicate with the Commission did not receive a great response. Certain volumes, however, which had formerly belonged to the early records were presented to the Commission. In April, 1912, the Government decided to place an all-time officer in charge of the Archives and I had the honour of being given the duty. The whole collection at present numbers nearly twenty-five thousand manuscript volumes of official documents and is preserved in vaults in the basements of the Houses of Parliament and New Law Courts, respectively. Every precaution is taken against fire or other damage. It comprises the following records:—

I. Those from **1652 to 1806**. These were taken over by the late Keeper and to which several additions of records of sub-departments after 1806 were made.

II. Those of the Colonial Office and its sub-branches from **1806 to 1910**. These came under my care shortly after taking up my duties. They are contained in nearly eight thousand bound volumes. An inventory of this series has been made.

III. Records of the Central Road Board, Civil Engineer, Commissioner of Crown Lands, Chief Inspector of Public Works, etc., from **1843**.<sup>4</sup>

IV. Treasury records.<sup>4</sup>

V. Magisterial records of various districts. A list of these will be found in the Appendix. Four of these had been received by the late Keeper.

VI. Records of the following territories annexed from time to time to the Cape Colony. British Kaffraria annexed **1865**, Griqualand West **1877**, Kokstad (Griqualand East) annexed **1879**, British Bechuanaland **1895**.<sup>4</sup>

<sup>1</sup> First Report of the Royal Commission on Public Records, 1912.

<sup>2</sup> Govt. Notice No. 1320 of 19.11.1909.

<sup>3</sup> *Ibid.* 1452 of 23.12.1909.

<sup>4</sup> Accessions since 1912.

## INTRODUCTION---(continued).

VII. Letters Patent, Commissions, Royal Instructions, Treaties with Natives, etc.

VIII. Maps, plans, charts. Many of those referring to the 17th and 18th centuries are copies made from the originals preserved in the Royal Archives at the Hague.

IX. Executive Council Minutes from **1834**.<sup>1</sup>

X. Collections of printed Cape Blue Books and Imperial Blue Books on S.A. Affairs. *Cape Government Gazette* from the first issue on 16 August, **1800** to **1910**. Cape Blue Books from **1821** and subsequent series under title of Civil Service List. Miscellaneous collection of Blue Books of the various Dominions.

XI. Selection of printed books of reference on early Cape History.

XII. Papers of Sir Benjamin D'Urban, Governor of the Cape 1834-1838. These were generously donated in 1911 by his grandson, W. S. M. D'Urban, and were obtained for the Archives through the medium of Dr. G. McC. Theal.

It will be noticed that only the records mentioned in Section I. fall within the period 1652-1806 covered by this book.

The greater portion of the official records is bound and labelled. Inventories have been made of all the manuscript and printed volumes. For reference to the volumes in Section I. there is an alphabetical index on the card system which gives under the heading of the particular departments of the Government or class of documents the title of each volume, the period covered by the papers it contains and the reference number which enables a volume to be easily fetched and brought to the searcher with the least possible delay. In addition to this a subject index which is being compiled greatly facilitates reference.

The collection is open to the public for inspection and research work between certain hours and every facility is afforded students making use of the documents. The Cape Archives has become the depository of the public records of the old Cape Colony and in course of time will contain all the papers of the various Ministerial departments and sub-branches up to the date of Union. It is hoped that any reader of this book who may be in possession of an original official document which formerly belonged to the records of the past will be inspired with a public-minded spirit and present the Archives with such document so that the collection may be as complete as possible.

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<sup>1</sup> Accession since 1912.

PART I.

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COUNCIL OF POLICY.

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1652-1795.





## PART I.

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### THE COUNCIL OF POLICY, 1652-1795.

The Government of the Dutch East India Company at the Cape of Good Hope was vested in a Governor and Council. During the early days the latter consisted of a president and three members who were respectively the head of the Station as president and three skippers. In 1656 it was decided that this Council was to consist of the Commander, the Sergeant and the Bookkeeper. When the fleet of the Company arrived here its principal officers and those of the Cape formed the Broad or General Council, the same as was held while the ships were on their voyage, and composed of the commander of each vessel. The highest in rank took the president's chair whether he was the commander of the Cape or amongst the visitors. This Council was later on designated as the Council of Policy. In 1685 it was considerably enlarged and made to consist of eight members. Seats were assigned to the Governor, the two military officers highest in rank, the Fiscal or Attorney-General, the Treasurer, the Chief Salesmen and the Garrison Bookkeeper. The burgers of the Colony had no representative in the Council, which fact was assigned as a grievance against the administration in the latter years of the Company's rule.

At first this Council acted in a legislative, administrative and judicial capacity, but was later on prohibited from taking cognizance of judicial matters. It made laws for the internal administration of the Colony, levied taxes, appointed the servants of the Company to civil situations, and granted lands in freehold and gave them out in lease. Copies of all its proceedings were sent to Holland and Batavia, and its actions were subject to the authorities there. The Governor, who presided, was appointed by the Seventeen and all official despatches received by him had to be opened and read at the full meeting of the Council. Up to 1734 he was president of the Court of Justice, but by an order of the authorities in 1732 all Governors were excluded from judicial matters and presiding at the court. He had no power to grant a pardon or reprieve and could deport all persons of idle and dissolute habits and bad character without trial before a court of law. All decrees and criminal sentences had to receive his *fiat* before being executed.

The Secretary of the Council kept a minute of all the proceedings, debates and resolutions and entered them in a book of Resolutions signed by all the members present. The series

## THE COUNCIL OF POLICY, 1652-1795

—(continued).

of Resolutions form one of the most important portions of the Archives. The Council of Policy was the chief medium through which all the transactions of the Government were carried out and the Secretary, as its permanent head, dealt with all the matters passing through its hands. The greater and more important portion of the records was under his custody. He was the forerunner of the Colonial Secretary of the 19th century. In his office were prepared deeds of immovable property, mortgages, grants of land on quitrent or lease, as well as proclamations, Government notices and a variety of other deeds.

The official despatches to and from the Cape and the authorities in Holland, Batavia, Ceylon, several outstations of the Company, local functionaries, captains of ships calling at the Cape, and private individuals, are not quite complete and were kept in the office of the Secretary. To a great extent many contain reference to matters debated upon and referred to in the Resolutions. The memorials or petitions sent in to the Council from public boards such as the court of Landdrost and Heemraden in the country, church councils, Orphan Masters, Company's Servants and private persons, were bound separately from 1715 until 1792, when they are found with annexures to the resolutions.

### 1. Resolutions.

The resolutions of the Council of Policy form one of the most important portions of the records. While they contain matters relating to shipping and minor interests of the Company, there are debates and resolutions on subjects of the utmost importance regarding the colonists, the growth of the Colony and its general history, which are of permanent value. The resolutions of each meeting were signed by the president, members and secretary. From 1710 to 1738 the proceedings of two years are contained in each volume, from 1739 to 1784 one year to each volume, and from 1785 onwards two, three and four volumes to a year. From 1710 they contain an index of the marginalia to each volume. Theal's "Abstract of the Debates and Resolutions, 1651-1687," is a help to facilitate research in the earlier years.

**1651-1795.**<sup>1</sup> The debates and resolutions of the Council of Policy are complete except for volume 3 of 1793. They commence with the 30th December, 1651, on board the *Dromedaris* in the English Channel, and end on the 16th September, 1795, with the original articles of capitulation of the Cape, signed at Rusten-

<sup>1</sup> An abstract of these from 1651 to 1687 is to be found in Theal's publication. Verbatim copy 1652-1662 in Leibbrandt's Précis—see appendix.

## THE COUNCIL OF POLICY, 1652-1795

—(continued).

burg (Rondebosch, near Cape Town) by Dutch and English officers. The first resolution of 1651 is prefaced by a prayer used at the commencement of every meeting. 106 vols.

**1755-1756, 1789-1792 and 1795.** Secret. The first volume deals with matters relating to the Cape Establishment, etc., and contains correspondence from Batavia on the subject. 3 vols.

**1717-1795.** Draft resolutions kept by the Secretary of the Council at each meeting and from which he wrote the original resolutions signed by all the members at the following meeting. Volumes wanting. 7 vols.

**1716-1795.** Annexures (Bijlagen). These contain the annexures to the letters received by the Council from the authorities in Holland and Batavia. From 1792 a new system of keeping the records appears to have come into vogue, for from that date to 1795 all letters of whatever nature were filed under this series. The volumes of Memorials or Petitions kept separately from 1715 were bound up with the annexures from 1792. 110 vols.

Extracts from, **1751-1786** La I to M. 1 vol.

Index D to H. 1 vol.

Index of marginalia **1792, 1798.** 2 vols.

Principal documents to be found with the annexures to the resolutions 1716-1763. Important in facilitating research. Probably commenced to be compiled about the middle of the 18th century. As the volume in which this reference is contained is so important, as it refers to many other sections of the records which are most useful in making researches, I have considered it necessary to set out below the various divisions of this book. These are repeated when dealing with the documents to which they refer.

- Sec. 1. Register of Instructions, 1673-1784.
- „ 2. Inventory of Diaries or Journals, 1655-1770.
- „ 3. Journeys and Expeditions by Land, 1662-1762.
- „ 4. Noteworthy documents to be found with the attestations, 1652-1753.
- „ 5. Principal documents with the annexures to the Resolutions, 1716-1763.
- „ 6. Noteworthy documents with Letters Received, 1652-1715.

### 2. Letters Received.

The most important series contain the official correspondence from the Seventeen, Governor-General and Council at

## THE COUNCIL OF POLICY, 1652-1795

—(continued).

Batavia, governors and heads of the various stations and factories of the Company, principal officers of the ships calling at the Cape, local bodies and boards, officials and private persons.

**1652-1795.**<sup>1</sup> The principal series of official correspondence. 71 vols.

**1699-1790.** Secret letters from the authorities in Holland and Batavia. Volume 1779-1790 contains correspondence regarding complaints against the Government. 7 vols.

**1792-1793** from Commissioners-General Nederburgh and Frykenius.<sup>2</sup> Very important. 3 vols.

**1747-1784** in two volumes. These are of a semi-private nature from various persons in Holland, the Cape, officials of the English East India Company in India and St. Helena, etc., with replies of Governors Swellengrebel, Tulbagh and van Plettenberg.

**1785-1795** from the Resident at Simon's Bay. The title of the officer placed in charge of the Company's affairs at Simon's Bay was at first Postholder, but in 1761 was changed to that of Resident. 5 vols.

Letters and papers concerning the postal service between Holland, Indies and Cape, **1788-1792.** 1 vol.

Noteworthy documents to be found with letters received 1652-1715.

### 3. Letters Despatched.

The principal series are the replies to the persons mentioned in Letters Received.

**1652-1786,**<sup>3</sup> **1795** and copies of **1787-1788.** Volume for 1675 is wanting. Many of the official despatches to Holland between 1792 and 1795 will be found in the papers of Nederburgh and Frykenius and Sluysken. 65 vols.

**1708-1791.** Secret despatches to authorities in Holland and Batavia. 9 vols.

**1793-1795** by Commissioner A. J. Sluysken, with annexures. 3 vols.

### 4. Dag Register or Journal.

There is one class of record of the Company days for which we must be very thankful as we are able to ascertain details of passing events from no other source. I refer to the Dag

<sup>1</sup> English précis and verbatim copy printed of years 1649-1662, 1695-1708—see appendix.

<sup>2</sup> As regarding these two officials see *post* page. 17.

<sup>3</sup> English précis printed of years 1652-1662, 1696-1708—see appendix.

## THE COUNCIL OF POLICY, 1652-1795

—(continued).

Register or Journal. Every Station or Factory, from Batavia to the smallest place, kept a Journal of what transpired in that Government. By an order of the Seventeen in 1622 it was urged that at each office of the Company a journal be kept containing matters occurring there and relating to the Company and that copies thereof be sent to Holland. In accordance with the general practice van Riebeeck, when he sailed from Holland in December, 1651, had a journal commenced and this was continued through the successive generations that the Dutch held the Cape. The 1795 inventory shows that this series was complete from 1652 to 1795, but we saw that twenty-one volumes were advertised for in 1839 as missing. This journal contains matters of a varied nature, arrivals and departures of ships, strangers or personages of note, weather conditions, local incidents, dealings with the natives, reports of parties sent out on exploring expeditions in the early days, outstanding events affecting a locality or the whole community, and many other events too numerous to mention. Reference is found to the stay here or call of such men as Lord Clive, Admiral Edward Boscawen, Captain James Cook, Kerguelen, Governor Harrison, the death and burial here of Governor William Wake. Copies of these were sent to Holland and Batavia and it is owing to this system that in most cases where volumes have been missing from the Cape collection they have been replaced by copies made from those at the Hague. This was the Government Journal. But it is interesting to record that every expedition sent out by the Government, whether to explore the country, barter with the natives, examine shipwrecks on the coast, to proceed to Mozambique, Madagascar or the Eastern Coast of Africa for slave trade, was instructed and did keep a full journal of what took place. Some of the earlier expeditions inland and voyages, as that of the *Noord* in 1688, are to be found in the Government Journal. The journals of the more important exploring expeditions, as of Beutler in 1752, and Hop, 1762, are missing, but copies have been obtained. A number of the journals kept by slave trading expeditions are still extant and make quite interesting reading.

**1652-1789,<sup>1</sup> 1791, 1794, missing 1675, 1688, 1691.**

These were kept by the Government in the Secretary's Office. Some are originals, duplicates and verbatim copies.<sup>2</sup> 82 vols.

Of visit of Governor van Plettenberg to the Eastern frontier of the Colony **1778.<sup>3</sup>** 1 vol.

<sup>1</sup> English précis printed of the years 1651-1674, 1676, 1699-1732, see appendix.

<sup>2</sup> For list see appendix.

<sup>3</sup> A copy of this to be found in Theal's "Belangryke Historische Dokumenten," see appendix.



## THE COUNCIL OF POLICY, 1652-1795

—(continued).

Kept on board the *Centaurus* on her voyage to Terra de Natal, **1687-1688**. 1 vol.

Of the following land expeditions<sup>1</sup> (verbatim copies) Jan Blank, **1652**; Peter Janse, **1659**; Pieter van Meerhoff, **1661**, to the Namaquas; Fredrik de Smit, **1662-1663**; Sergt. Jenas de la Guerre, **1663-1664**; Corpl. Heronimus Cruse, **1669**, to Sonquasland, **1670**; Olof Bergh, **1682**; report of Bergh, **1683**; Ensign Isaac Schryver, **1689**; J. T. Rhenius and M. Bergh, **1725**; Jacobus Coetzee, **1760**; Ensign A. F. Beutler, to the East of the Colony, **1752**;<sup>2</sup> Captain H. Hop, **1761-1762**, to the Great Namaqualand.<sup>3</sup> 1 vol.

Ships and other journals, **1664-1794**. Found in six volumes. These are the journals of ships going on exploration of the coast, slave trade, and others between Holland and Batavia. The first volume contains an index to "Journals kept on board the different ships on their several voyages and expeditions since the year 1615 till 1793." Written on paper bearing the watermark, 1806. Many of these are not found with the records. It is probable that when this index was compiled each journal was a volume by itself and that some of these were taken from the collection and never returned.

Of the following sea voyages and land expeditions, the hooker *Snelheyd*, from Cape to Madagascar and back, **1673-1774**, to Madagascar by Commissioner Holtzappel, for slave trade **1773-1774**, the wrecked *Schoonenberg*, copies of Ram, Schaap and het Lam, **1601-1604**, Admiral Pieter Both, **1599-1601**, to Tristan da Cunha, **1655-1656**.<sup>4</sup>

Of Hendrik Adriaan van Reede with annexures, **1685**, verbatim copy. 1 vol.

Of the Resident at Simon's Bay, **1751-1778**. 2 vols.

Of Government at Mauritius, see under Mauritius.

Inventory of sea voyages and land journeys, reports of wrecked ships and matters describing lands and coasts, **1655-1770**.

### 5. Reports.

From time to time the Directors of the Dutch East India Company appointed Commissioners to visit their possessions

<sup>1</sup> A précis of some of the early ones will be found printed in the Journal.

<sup>2</sup> A copy of this to be found in Theal's "Belangryke Historische Dokumenten."

<sup>3</sup> Published at Amsterdam, 1778, under title of "Dagverhaal Gehouden op een Landtocht door het Land der Kleine en Groote Namaquas."

<sup>4</sup> English précis printed. Letters despatched 1652-1662, volume 3, see appendix.

## THE COUNCIL OF POLICY, 1652-1795

--(continued).

in the East Indies and dependencies and examine into the affairs of the Company. They were instructed to adjust any abuses and report on their inspection. These Commissioners were sometimes given extensive powers and authority to make such alterations as were necessary for the welfare of the community and the interests of the Company. Amongst those who visited the Cape in such a capacity were Ryklof van Goens in 1656, High Commissioner Hendrik Adriaan van Reede in 1685, and Commissioners-General Nederburgh and Frykenius 1792-1793. It was customary for these Commissioners to leave at the Cape "Instructions" for the guidance of the Governor and his Council and send in a report to the Seventeen. To an official as van Reede extensive powers were granted; he could appoint or displace Governors and Admirals as well as officers of lower rank, proclaim new laws or repeal old ones, create new offices, issue new regulations concerning trade, etc.—in short, he could do anything which he considered advisable for the benefit of the Company. Many of the reports sent in are very interesting indeed and of great value to the historical student.

Of a later date must be mentioned the reports of Nederburgh and Frykenius. The former was chief advocate to the Dutch East India Company and the latter a captain of the National Navy. They were members of a board of four commissioned in Holland with power to investigate all matters relating to the Company and bring to light and check all abuses and make such necessary reforms as they deemed advisable. In fact they had the same powers as had been granted to van Reede a century previous. The other two members were Mr. A. W. Alting, Governor-General of Batavia, and Mr. H. van Stokkum, Director-General of the Netherlands India. Only the first two could visit the Cape, where they remained from June, 1792, to September of the following year. Their correspondence with the Cape Government, report and annexures are contained in nine thick volumes. All these papers are intensely interesting and form valuable material for the history of the Cape. Much information on the social condition of the people, trade, finance and commerce of the Company, the political and local government of the Cape is to be gleaned from these volumes.

The series Memorials and Reports 1710 to 1791 (incomplete) are useful as containing reports to Government from individuals, public bodies or commissions on a variety of subjects. The report from the Cape officials in 1717 on colonisation, employment of European labourers in place of slaves, the cultivation of coffee, sugar, cotton, indigo, olive oil, flax, silk and hops, and van Imhoff's report contained in his Memorandum of 1743 are both of value.

## THE COUNCIL OF POLICY, 1652-1795

—(continued).

The following verbatim copies of reports of Commissioners on the Cape. Ryklof van Goens, **1657**;<sup>1</sup> Andries Frisius, **1661**;<sup>1</sup> Hubert de Lairese, **1662**; Johan Thyssen, **1669**; Isbrand Goske, **1671**; Dirk Blom, **1679**; Hendrik Adriaan van Reede, **1685**; Ryklof van Goens, jnr., **1685**; Gustaf Willem Baron van Imhoff,<sup>2</sup> **1743**; D. Nolthenius, **1748**; L. Hooreman, **1764**.  
Verbatim copies. 1 vol.

By Commissioners-General Nederburgh and Frykenius, with annexures, **1792-1793**. 6 vols.

By Governor Chavonnes and members of the Council of Policy on colonization, etc., **1717**.<sup>2</sup> 1 vol.

By Governor van Plettenberg to the memorial of the Cape burgers, **1781**. 1 vol.

By Governor van Plettenberg to the memorial of the Cape burgers, with annexures, **1781-1782**. 1 vol.

Olof Bergh, **1683**.

J. D. Vaillant, C. H. Verheull and J. F. L. Groevestein on Macassar, **1791**. 1 vol.

On the Orphan Chamber to Commissioner A. J. Sluysken, **1794**, with index of annexures to original report. 1 vol.

On the Silver Mine, **1743-1748**, and one by the mine workers, 1745. In 1743 a charter was granted to Olof de Wet and others giving them the exclusive right of searching for metals between Paarl, French Hoek and Hottentots Holland. This report is on the mine worked near Simonsberg, Groot Drakenstein, but the "experienced mineralogist" who had been engaged as Master Miner and had kept up the hopes of all as to the metal to be obtained was eventually banished from the country as an impostor.

By the Resident, Simon's Bay, **1785-1795**. 2 vols.

By J. H. Wikar of a journey to the Groote Rivier (Orange River) and what events occurred there **1778**, with sketch.<sup>3</sup> 1 vol.

By J. P. de Neys on the surrender of the Fort at Sadraspatnam, **1783**. De Neys was commander of this place, but during the war in 1781 was taken prisoner of war by the English. After his release he came to the Cape and in 1791 became Fiscal. 1 vol.

By the Military Commission, **1789**, letters and reports of same **1790**. Verbatim copy. 1 vol.

<sup>1</sup> English précis printed. "Letters Received 1649-1662," vol. 2, see appendix.

<sup>2</sup> This report will be published shortly.

<sup>3</sup> See Gortlé Molsbergen "Reizen in Zuid Afrika," deel 2, p. 78.



## THE COUNCIL OF POLICY, 1652-1795

—(continued).

### 6. Instructions and Commissions.

A very important series of documents for historical purposes. They contain instructions from the head of the Cape Government to various officials whether in the offices or as heads of expeditions sent out for different objects, as cattle barter, exploration or search for wrecks or wrecked mariners, coast survey, etc. It was the practice for each Commissioner who visited the Cape to hand to the Governor on his departure written instructions for observation and relating to the Government, its officials and the colonists.

As an example of the variety of the instructions and commissions issued a few might be mentioned. Instructions given to van Riebeeck in 1651 when sent out to establish a refreshment station here. Instructions by the Cape Government to the expedition going to Madagascar for slave trade 1677, for the expedition sent to overtake some fugitive free-men 1679, fixed regulations for the hospital 1697, instructions to the Governors of the same 1700. Commissions appointed from time to time, an official to be present at the annual camp of instruction of the burger militia of Stellenbosch and Drakenstein, rules and regulations for military guards and other matters 1714, and in the same year instructions for the rattlewatch. Commission of the surgeons van der Riet and Maynier to visit such persons in the district of Stellenbosch and Drakenstein as were reported to be afflicted with leprosy 1756, and a certificate to proceed to England granted to an Englishman, Richard Lewin, who had been taken prisoner of war on his way from Madras 1783.

There are several volumes containing the instructions and orders issued from time to time to the Cape by the Seventeen and the authorities at Batavia. These are very important and useful in referring to the Archives. To each volume is an alphabetical index of the different subjects upon which these instructions were issued.

For the various officials at the Cape, **1657-1685.**<sup>1</sup> Begins with those issued by Cuneus to van Riebeeck and ends with van Reede's to Johannes Mulder, first Landdrost of Stellenbosch, 1685.<sup>2</sup> 1 vol.

**1673-1795.** Volumes 1723-1746, 1765-1774 wanting. 7 vols.

For the Cape from Holland and Batavia, **1652-1787.** There are several volumes of these. They all contain the reference to the placaat, resolution, letter

<sup>1</sup> English précis of several of these instructions printed, see appendix. Letters Despatched 1652-1662, vol. 3.

<sup>2</sup> A copy of van Reede's Instructions is to be found in Theal's "Belangryke Historische Dokumenten," see appendix.

## THE COUNCIL OF POLICY, 1652-1795

--(continued).

or order by which these instructions were given. By a resolution of the 19th September, 1765, of the Batavian Government all "out stations," as the Cape, were ordered to compile a book of "positive orders" which was to contain reference to those emanating from the authorities. Important.

For the Government at Bengal from Batavia and Holland, **1636-1737**. A collection of orders issued from time to time. 1 vol.

For the following officials, those proceeding to the Cape, **1651**; Sergeant de la Guerre, **1663-1664**; Capt. Hop going on his expedition, **1761**; Ensign Beutler, **1752**.

For Simon van der Stel, by H. A. van Reede, **1685**. 1 vol.

For Willem Helot, by Johannes Steeland, **1713**. 1 vol.

For Hendrik Swellengrebel, by Governor-General van Imhoff, **1743**. 2 copies.

The Gaoler, **1794**.

Index to the Instructions, **1674-1784**. 1 vol.

## 7. Burger Deeds.

The first burgers of the Colony were discharged servants of the Dutch East India Company whose term of service had expired in 1657. They were called "freemen" to distinguish them from the servants and were given grants of land to cultivate along the Liesbeek, near Rondebosch. In course of time after the arrival of immigrants from Europe the term burger became to be applied to all Europeans not in the Company's employ and who had a fixed abode here. The main distinctions between the burgers and servants were that the former could possess land hereditarily and carry on certain trades but could be taken back into the Company's service if they misbehaved themselves and sent to any station. The latter could neither hold land nor trade and when the exigencies of the Company required could be sent to any of their possessions. They had to render the Company military service and every male between sixteen and sixty had to inscribe himself on the roll of burgers and come up once a year to an eight days military camp of exercise. The townsmen were formed into companies of infantry and those in the villages and country into cavalry. A Burger Military Council composed of the officers tried cases of insubordination, failure to turn up to parade or duty, and awarded fines; it also took cognizance of all militia matters.

## THE COUNCIL OF POLICY, 1652-1795

—(continued).

Conditions made with the Freemen, **1657**,<sup>1</sup> verbatim copy.

Muster roll of **1660-1774**, verbatim copies, wanting **1744, 1761, 1765** and **1772**. 7 vols.

Oath of allegiance, **1725-1795**.

Letters of Freedom granted **1657-1662**,<sup>1</sup> **1668** (verbatim copies) **1686-1756**. Each discharged servant permitted to reside here was given a Vrybrief or Letter of Freedom (Deed of Burgership) showing his right to remain here. An illustration of a Vrybrief is given on page 22.

Title Deeds issued **1657-1667**,<sup>1</sup> verbatim copies.

Census return of burgers in the Cape district, **1764-1765**.

List of burgers in the district of Stellenbosch and Drakenstein. **1791, 1793, 1794**; Swellendam, **1790-1791**. 1 vol.

Principal documents concerning the grievances of the Cape burgers and replies of the officials at the Cape, **1778-1785**, printed in four volumes. This refers to the official correspondence between the authorities at the Cape and in Holland.

Minutes and resolutions of the Committee, **1784-1785** and correspondence with their representatives in Holland, **1784-1786** in connection with their grievances. Interesting. 2 bundles.

Contemporary copy of the further petition of J. van Reenen and others regarding burger grievances, **1782**. 1 vol.

For reply of the Governor against complaints, see under Report by van Plettenberg, **1781**.

Conditions of lease for the sale of liquor, meat, tobacco, salt, etc., **1687-1784, 1791-1794**, years wanting. Yearly the exclusive right to sell wines and spirits by retail, meat, etc., was farmed out or put up to public auction and the money so paid was one of the principal sources of revenue to the Company. 8 vols.

Burger Military Council, Letters Received by, **1715-1726**. 1 vol.

Burger Military Council Minute Book, **1718-1767, 1787-1791; 1795** incomplete. 2 vols.

Muster rolls of the Cape Burger Corps, **1781-1799** (miscellaneous). 1 vol.

Certificates by surgeons *re* inability of burgers to attend military service, **1736-1795**. 1 vol.

<sup>1</sup> Printed in Leibbrandt's *Précis of the Archives*. "Letters Despatched 1652-1662," vol. 3, see appendix.

## THE COUNCIL OF POLICY, 1652-1795

—(continued).

### 8. Burger Councillor Documents.

From amongst the most respectable burgers of Cape Town a few were annually chosen by the Government and appointed Burger Councillors who were consulted whenever any enactment or new taxation affecting the burgers was contemplated. They collected the taxes and used the money for maintenance of roads and bridges and expenses of the night watch. In fact, their duties were of a municipal nature. While they had no written constitution they were recognised by the Government. In the country districts the Landdrost or Magistrate represented the Governor, and he, together with the Heemraden, formed a court which tried petty civil cases. The Heemraden were to the country what the Burger Councillors were to the town.

Oath of allegiance (or office) taken by, **1703-1747.**

Account of income and expenditure, **1771-1774.**

1 vol.

Miscellaneous collection of receipts and accounts,  
**1775-1828.** 1 bundle.

### 9. Documents Relating to Company's Servants.

The first arrivals at the Cape in 1652 were all men who had taken service with the Dutch East India Company. They were under the jurisdiction of the States-General as their law sovereign and the Seventeen as their immediate chiefs. In 1658 a code of regulations, called the Artikel Brief, was drawn up by the States-General for the Company. This was to regulate its affairs and protect its rights and maintain order. It was very similar to previous instructions given by the Seventeen to the Governor-General at Batavia and confirmed by the States-General. By it, the discipline of the men was regulated. It dealt with punishments, scale of wages, compensation for loss of a limb, and practically everything affecting a servant while with the Company.

A servant contracted to enter the service for five years and could be sent to any of the possessions. He could neither carry on private trade nor own immovable property which was the great distinction between himself and a burger. His children were considered as burgers. When his contract had expired he could renew it for a further period of three years but if he desired to remain here as a burger special permission had to be obtained and he was granted his discharge and given Letters of Burgership (or Freedom). This entitled him to carry on the usual trade and own property, but if the exigencies of the service demanded it or he misbehaved himself he was liable to be taken back into the Company's employ.







## THE COUNCIL OF POLICY, 1652-1795

—(continued).

Muster rolls of servants, **1656-1789**.<sup>1</sup> Verbatim copies. Years wanting. Gives particulars of name, place of origin and situation held in the Company. This series is very useful to the South African genealogist, for a very large number of the ancestors of families who came over in the 18th century were in the service of the Company before becoming burgers. 10 vols.

Deaths in the Fort of Good Hope of Company's servants, **1655-1670**.<sup>1</sup> Verbatim copies. 1 vol.

Return of Company's servants at the surrender of the Cape on 16th September, **1795**. Gives name, where from, situation held and salary. 1 vol.

Appointments and promotions, **1783-1789**. Name, date, rank and pay given, also those allowed to repatriate. 1 vol.

List of persons who sailed from Zeeland and were granted Letters of Freedom, **1718-1791**. Verbatim copy. Of genealogical value. 1 vol.

Transactions of the Company at their stations, **1759**.

Oath Book—Oaths of office, etc., **1692-1793**. 2 vols.

Powers of Attorney passed by servants to have their salaries paid to their agents in Holland, **1686-1793**. Index to each volume. 95 vols.

Contracts of hire, **1692-1790**. Wanting 1704-1712, 1769-1770. From time to time the Company permitted some of its servants to engage themselves to the burgers. Permission of the Governor had to be obtained and a contract of service was entered into for a year and renewed annually. In the contract, signed by both parties, the employer undertook to take the servant into his service at a stated wage and give him "meat, drink and good lodging" and sometimes a pound or two of tobacco per month. 40 vols.

## 10. Documents Passed before the Secretary.

Attestations in particular cases by various individuals. Includes attestations *de vita*, **1712-1785**. Wanting 1740-1746, 1764. 5 vols.

Attestations, judicial and otherwise, by burgers, Company's servants, ships' people, etc., **1652-1791**.<sup>2</sup>

<sup>1</sup> English précis of portion of these printed, see appendix. "Letters Despatched 1652-1662," vol. 3.

<sup>2</sup> English précis of volume 1652-1665, Letters Despatched, vol. 3, see appendix.

## THE COUNCIL OF POLICY, 1652-1795

--(continued).

Wanting 1674, 1730. Many of these refer to condition of Company's property, reports on ships, etc.

82 vols.

Documents of note to be found with attestations,  
**1652-1753.** 1 vol.

Transfers, obligations and emancipations of slaves,  
**1715-1793.** 80 vols.

Powers of Attorney, general and special, **1686-1793.**  
Up to 1778 include powers by Company's servants to draw pay. Each volume has a name index. 75 vols.

Register of documents in the custody of the Secretary having reference to all important despatches received, **1655-1764.** This volume is important and is of the same nature as the collection of Instructions from Holland and Batavia, **1652-1787** (*q.v.*).

### 11. Statutes.

The Statute Law at the Cape was (*a*) the local proclamations or placaaften passed by the Governor and Council and promulgated by reading the same to the people and affixing or "placarding" copies at different places, (*b*) the Statutes of Batavia were the laws, notices and advertisements issued by the States-General, the Seventeen and the Governor-General and Council of Batavia, and were applicable to the possessions of the Dutch East India Company or to particular places.

Original Placaat Book, **1652-1795**,<sup>1</sup> passed at the Cape and preserved in eight volumes.

Various Index Books, **1652-1806.**

Statutes of Batavia. Both the van Diemen's Code and the Code of van der Parra or New Statutes of Batavia. Several copies, the New Statutes in three volumes, arranged alphabetically.

Copies of proclamations, etc., regarding whale fishing and private trade, **1792.** 1 vol.

### 12. Land.

The principal land registers, grants, transfers, mortgages and other official papers are preserved in the offices of the Surveyor-General and Registrar of Deeds respectively. Up to 1813 land was held in freehold, on loan, or on quitrent tenure. The greater portion of the farms in the Colony was prior to this held on "loan." The farmer obtained permis-

<sup>1</sup> English précis of Proclamations 1652-1661 printed in vol. 2. Letters Received 1649-1662, see appendix.



## THE COUNCIL OF POLICY, 1652-1795

--(continued).

sion from the Government to occupy the farm and had to renew this annually. He only had the *utile dominium* and Government could resume possession if it thought necessary. Only the *opstal* or buildings could be sold or bequeathed by the occupiers.

Applications for land to graze cattle—register of,  
**1755-1770.** 1 vol.

Wildschutboeken, **1687-1730, 1747-1748.** These contain licences or permits registered at the Secretary's office and granted to persons to shoot game and graze cattle. In connection with the latter they are very interesting as they refer to Loan Places granted from year to year by Government to the farmers and form material for the early history of the land tenure of the Colony. 3 bundles.

Land ledger of loan farms, **1792.** 2 vols.

Ledger of loan land grants, **1743.** 1 vol.

### 13. Memorials or Petitions.

These are from Company's servants, private persons, public boards as the Orphan Chamber, Church Councils, Courts of Law, etc., on a great variety of topics. The series is very useful for material in the social history.<sup>1</sup>

**1715-1795.** From 1792-1795, see Annexures to Resolutions. 66 vols.

Another series of Memorials and Reports, **1710-1791** (years wanting) contain lists of lost or spoilt articles of the Company, reports of individuals or commissions. 31 vols.

### 14. Bengal.

Instructions from the Seventeen and Batavia to the Government of Bengal, **1636-1737.** 1 vol.

Report sent by the Government of, to the Seventeen at Amsterdam, **1794.** 1 vol.

Resolutions of the Government of, sent to the Seventeen, **1794.** 1 vol.

### 15. Ceylon.

Memorandum by Jan Schreuder, Governor of Ceylon, for his successor L. J. van Eck, dated Colombo, 27th March, **1762** (a short history of Ceylon, 1602-1757, is contained in this volume).

<sup>1</sup> English précis Letters A-O in two volumes, printed, see appendix.

## THE COUNCIL OF POLICY, 1652-1795

—(continued).

### 16. Macassar.

Civil roll of cases held at Castle Rotterdam, Macassar, **1758-1761.** 1 vol.

Sequestrator's Accounts, **1758-1761.** 1 vol.

Report on Macassar, see under Reports.

### 17. Mauritius.

IN 1664 Mauritius was re-occupied by the Dutch, they having abandoned it in 1658. It became a dependency of the Cape and stood in the same respect to the Cape as the latter did to Batavia. In 1710 it was again abandoned and shortly after occupied by the French.

Judicial proceedings in case of P. P. Coll, ex-Commander of soldiers at Mauritius, **1674.** 1 vol.

Judicial proceedings against J. Molyn, J. Geel and L. Swanswyk, **1686.** 1 vol.

Journal kept by the Government, **1685-1688.** 2 vols.

Complaints against J. J. Lamotius and Councillors of Mauritius, by J. P. Picht and wife of J. B. Dubertyn, **1691-1692.** 1 vol.

### 18. Finance.

There are few volumes in the Archives relating to the financial relations of the Company. Copies of the more important ledgers and cash accounts were sent to the authorities in Holland, where, no doubt, some have been preserved. In 1793 the first Government Bank, the Lombard Bank, was established in South Africa, by Commissioners-General Nederburgh and Frykenius, to increase the revenue and relieve the distress then prevailing and want of currency. More paper money, first circulated in 1782, was prepared and declared to be legal tender. This was issued through the bank on loan to the inhabitants upon proper security being given. Money at 5 per cent. interest was loaned on houses and lands, gold, silver, jewels and merchandise, etc.

Cash Accounts of the Castle of Good Hope, **1783-1790.** 3 vols.

Memo Book of the "lease" of the revenue, **1717-1778.** Contains the prices paid at auction for the exclusive right to sell beer, wine and spirits. See under Burger Deeds, conditions of lease. 2 vols.

Revenue received into the Company's Treasury, **1792-1794.** 2 vols.

## THE COUNCIL OF POLICY, 1652-1795

—(continued).

Journal of trade at the Cape, Receiver-General,  
**1784-1793.** 2 vols.

Lombard Bank Cash Book, **1793-1794.** 1 vol.

Lombard Bank, Loans made by, **1793-1810.** 1 vol.

Lombard Bank, extracts of resolutions of the Council of Policy for the bank, **1793-1795.** 1 vol.

Particulars concerning the change of the values of coins, **1768.** Interesting for a study on numismatics.  
1 vol.

Conditions of sale of various revenues, *e.g.*, privilege of selling wine and spirits, meat, etc., see under Burger Deeds.

### 19. Private Papers.

Most of these papers are each bound in one volume.

Pontoon Book, kept by Pieter Joubert, at Berg River, **1767-1776.** 1 vol.

Letters and ledgers of Jan Haszing, surgeon, **1736-1772.** Items of medical, social and economic interest.

Inventory of effects and books of Governor-General Adriaan Valckenier, **1742.** Valckenier arrived at the Cape in January, 1742, on his way to Holland from Batavia, where he had resigned as Governor-General. Several charges had been laid against him in connection with disturbances at Batavia and the deportation of three Councillors of India. An order to arrest him was issued by the Seventeen and during his stay here he was placed under arrest and sent to Batavia where he remained a prisoner nearly nine years, dying in 1751, before his trial had been concluded.

Day Book of G. Lotter, silversmith, **1791-1795.** Very interesting, gives prices charged for making various articles. 1 vol.

Letters Despatched by Josephus de Grand Preez, **1757-1761.** De Grand Preez retired in 1757 as Secretary of the Council of Policy. 1 vol.

Memorandum Book of Captain J. U. Kibourg of the Regiment of Meuron, **1787-1814.** Contains correspondence. 1 vol.

Letters Received by J. J. Swanevelder from N. Nieboer, **1784-1788.** 1 vol.

Letters Despatched by A. G. H. Teubes, **1785-1805.** 1 vol.

Ledger of H. J. de Wet, deceased, **1790-1802.** 1 vol.

## THE COUNCIL OF POLICY, 1652-1795

—(continued).

### 20. Court of Petty and Matrimonial Cases.

The Court of Matrimonial Matters was established in 1676. It consisted of two Company servants and two burgers under a President and Vice-President. Its constitution, taken from the Statutes of Batavia, was based on the *Politique Ordonnantie* of 1580. It examined all persons who wished their banns of marriage published and granted a certificate that no impediment existed to such publication. If any objection was declared upon the banns being read in church the minister referred the matter to this Court. In 1711 it was amalgamated with the Court of Petty Cases, established in Cape Town in 1682, to try disputes up to £20 16s. 8d., raised in 1797 to £40, and became known as the Court of Petty and Matrimonial Cases (*Collegie van Commissarissen van Kleine en Huwelijks Zaken*).

Minutes, **1793-1795**.

2 vols.

Early years missing: see Introduction, page 2.

### 21. Miscellaneous.

Garrison order book, made by order of Governor v. d. Graaff, **1791**.

1 vol.

Papers found in the drawer of the Sworn Clerk Hoffmann, **1789-1797**.

1 vol.

Assignations, powers of attorney to receive same, **1787-1792**.

7 vols.

Debt register of outstanding capital of the Diaconate Fund, **1748-1839**.

1 vol.

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PART II.

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THE COURT OF JUSTICE.

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1656-1806.





## PART II.

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### THE COURT OF JUSTICE, 1656-1806.

From 1652 to 1828 few changes were made in the general administration of justice. The superior and inferior courts existing in 1806 were continued up to the latter year, when general changes were made in the Government departments and courts of law. The Court of Justice sat in Cape Town and was the superior court of the Colony. It took cognizance of both civil and criminal cases and was an appeal court to the judgments of the inferior courts. Up to 1656 judicial matters were dealt with by the Council of Policy, but in this year the Council decided that when it sat as a court of justice and military court it was to consist of the Commander, five members and a secretary. In the following year, when some of the Company's men obtained their discharges here and were permitted to reside as freemen (later burgers) as distinctive from the servants, one of their number was represented in the Court when there was a case in which one of them was concerned. In 1685 the Court was made to consist of the Governor, Vice-Governor and eight members, the secretary having no voice in the proceedings. Amongst these were two Burger Councillors, which number was increased later on to three. Up to 1734 the Governor sat as president of the Court. No radical change appears to have been made in the Court until 1786, when the number of members was equalised by having six Company's servants and six Burger Councillors under the presidency of a member of the Council of Policy. In 1797 Earl Macartney made this Court to consist of a president, the Fiscal and five ordinary members, the decision of five members being considered lawful. In 1803 a president and six members were appointed to form this Court, which was independent of the legislative and executive authority. All of them were appointed in Holland and were chosen with reference to their legal qualifications. A secretary was also appointed and an official with the title of Procureur-Generaal or Attorney-General to conduct public prosecutions. In 1806 the condition as to the appointment of members was reverted to as prior to 1803, and a President and Vice-President, six members and a secretary constituted the Court.

Before 1795 a member was appointed by the Governor and Council subject to the approval of the Seventeen. Only

## THE COURT OF JUSTICE, 1656-1806

—(continued).

members of the Dutch Reformed Church were eligible, and those too closely related to one another, as father and son, father-in-law and son-in-law, could not have session at the same time.<sup>1</sup> During the first British occupation the distinction between Company's servants and burgers having ceased to exist the other qualifications remained. After 1806 the Governor appointed the members subject to the veto of His Majesty. In 1812, when Mr. (afterwards Sir) John A. Truter was appointed as head of the Court, the title of president was changed to Chief Justice. In 1797 members first received salaries as such. Previous to this the Company's servants had other employment conferred upon them as compensation for their trouble, but the burger members literally served for nothing.

The Court had jurisdiction in causes of possession, matrimony, in actions brought either by or against receivers of public revenue or public boards, in deciding questions of jurisdiction between the different districts of the Colony, in causes of prize or booty captured in war by vessels of the Dutch or sailing under commission of marque, and finally in actions between inhabitants of the Colony and masters of ships, seamen and passengers belonging to any ships anchored in the Cape roadsteads or bays without any exception whatever.<sup>2</sup>

Up to 1795 it was an appeal court to the inferior courts, and appeal from its sentences had to be made to the Court of Justice at Batavia. This ceased at the first occupation until 1797, when the Governor was vested with an appellate jurisdiction in cases exceeding £200 in dispute. A further appeal lay to the King-in-Council where the amount was over £500. In 1803 appeals had to be carried to the National Supreme Court at the Hague, and after 1806 the same procedure was re-established as in 1797.

From the members of the Court Commissioners (Heeren Gecommitteerden) were appointed and before them all transfers of landed property were passed as well as mortgage bonds or other stamp acts and they kept the general public debt register.<sup>3</sup> The passing of transfers and bonds was executed before these Commissioners in place of *schepenen*, which office did not exist in South Africa. In civil cases they took evidence, administered oaths, made ocular inspections of lands and buildings about which any action arose. They endeavoured as far as possible to bring the case to an amicable end if they saw that it could be done without going before the full Court. In cases of wounding, suicide or murder they

<sup>1</sup> *Vide* Statutes of Batavia. Extract letter L.11.1709, Batavia to Cape.

<sup>2</sup> Provisioneele Instructie voor den Raad van Justitie.

<sup>3</sup> Lr. 16.10.1795, Court of Justice to General Craig. All these duties were transferred by Ordinance 39 of 1828 to the Registrar of Deeds then created.

## THE COURT OF JUSTICE, 1656-1806

—(continued).

inspected the body and held an inquest. Two of them attended to the embossing of revenue stamps and the destruction of worn-out paper money as it was necessary they should certify to that effect.

When the Court was remodelled in 1786 a board called the College of Commissioners of the Court of Justice (*Commissarissen uit den Raad van Justitie*) was established. It consisted of three Company's servants and three burgers, and saw to the repairs of the streets, highways, canals, corn mills and other public buildings erected at the expense of the burgers. The Commissioners collected the taxes which had to be paid to the burger treasury. Generally their duties were of a municipal nature. By proclamation of 31st January, 1796, this College was abolished and its duties assigned to a new body, the Burger Senate,<sup>1</sup> which performed all the duties of the Burger Councillors except judicial functions.

One of the principal officials of the Court was the Fiscal. From 1688 to 1793 he was styled Independent and received his appointment from the Seventeen. He was responsible only to them and free from any interference by the local authority. The Company felt the necessity of closely connecting him with their interests and of inducing him to watch with great care and punish any neglect of its interests or those regulations by which it had hoped to uphold its monopolizing and restrictive system of its Eastern trade. On this account he was styled Independent, a title he held for over a century, when it was resolved that in future he was to be subordinate to the local Government. The Cape burgers had complained to the authorities in Europe of the arbitrary and oppressive powers of the Fiscal. Notwithstanding the change of title to simply Fiscal, the functions which he performed retained their importance. After 1795 he continued as before, but in 1803 the title was altered to *Procureur-Generaal* or Attorney-General and the name of Fiscal reverted to in 1806, and it was again changed in 1828 to Attorney-General. The Fiscal was Public Prosecutor of the Colony and in his powers was regulated by an Ordinance of Philip II of Spain, passed in 1570, instructions drawn up in 1688, amplified in 1693, and new instructions issued in 1785, and such orders as were sent out from time to time. After 1803 he was guided by provisional regulations drawn up by de Mist which to a great extent embraced those of earlier years with some enlargements in more detail.<sup>2</sup>

By his early and subsequent instructions the Fiscal was generally to defend before the Court of Justice the property,

<sup>1</sup> For functions of Commissioners, d.d. 13.7.1792, see Bylagen, "Verslag Nederburgh & Frykenius."

<sup>2</sup> For Instructions 1688 and 1693, see volume C 1209; for 1785, volume C 413; for de Mist's Instructions, "Provisioneele Instructie voor den Raad van Justitie" Part 6.

## THE COURT OF JUSTICE, 1656-1806

—(continued).

means, revenue, rights and privileges of the Government against all fraud, contravention and spoliation whatever, by whomsoever attempted, and this he did either as prosecutor or defendant. It was his imperative duty to investigate all crimes committed and bring the criminals to justice. By the Ordinance of 1570 as well as de Mist's instructions he was obliged to proceed in the prosecution of a crime when ordered to do so by the Court before whom the preliminary charge had been made. He could only be excused from continuing it by the same authority. The instructions required that "respecting the discharge and execution of his duties he must obey the dispositions of the Court of Justice." If it appeared to him to be necessary he could report the Governor to the Seventeen or the authorities at Batavia. By the later instructions of de Mist he could institute a charge against the Governor or a member of the Council of Policy and bring his action before the Court of Justice. He was to prosecute it until the case was ready for judgment and then had to send a copy of the record closed and under seal through the Council of Policy to the Asiatic Council and Government in Holland. He could also prosecute subordinate Government officials in cases of misconduct.

### 1. Civil Cases.

The procedure in civil cases at the Cape was regulated by an Ordinance of Philip II of Spain, passed in 1580, and followed fairly closely the same as was practised in the courts in Holland. The case started by the issue of a summons if the defendant had failed to satisfy the friendly demand sent by the plaintiff. The defendant was allowed three defaults, or in other words could be summoned three times, which debarred him from taking any exception against the judgment given. Upon failure to appear after the third citation a fourth one *ex superabundanti* was granted. If the defendant appeared after the first summons and had heard the demand of the plaintiff he could bring the exceptions of *renvoy*, *lis pendens* and *lis finita* if he had grounds for same. The first exception was an objection to the jurisdiction, the second that the same matter was pending in another court between the same parties, and the last that the same suit between the same parties had been decided upon and given effect to by judgment.

If no exception was raised or claim in reconvention or counterclaim the plaintiff filed his replication, and to this the defendant his rejoinder. The parties then renounced further production of documents. The suit was now closed for the decision of the Court, which took place by the majority of votes. The opinions and the grounds upon which they were based were not declared in public, nor was there a summing

## THE COURT OF JUSTICE, 1656-1806

—(continued).

up as is done to-day. The deliberations were *foribus clausis*,<sup>1</sup> and the judgment read by the secretary or registrar to the parties in court, which was open to the public for that purpose. On the record of the case the Governor wrote *sommatic, renovatie, en executie*. The first was a document served on the judgment debtor to satisfy the judgment and costs within twenty-four hours, the second was served after the latter period had elapsed. Failing these two opportunities given to the debtor to pay, the messenger attached sufficient of the debtor's goods and made an inventory thereof, which were publicly sold.

Civil Records, **1786-1801**. A collection of records and annexures of civil cases before the Court. 5 vols.

Index to Civil Rolls, **1717-1779**. The originals to which this index refers are in the custody of the Registrar of the Supreme Court. The only volume in the Archives is one Civil and Criminal Rolls, **1701-1708**, which includes the cases of the nine agriculturists concerned in the van der Stel troubles.

Civil Attestations, **1713-1721**. 2 vols.

Notices and advertisements of sales in execution, decrees calling upon creditors and debtors to file claims and pay debts, etc., **1693-1700, 1757-1788**. 3 vols.

Papers in each of the following cases contained in a separate volume.

J. I. Bierman *vs.* Orphan Masters, as executors testamentary in Estate of J. M. Vogel, with sentence of Court at Batavia, **1777**.

J. G. Cloete *vs.* C. Albertyn—appeal case—bill of costs, **1787**.

J. D. Herholdt *vs.* B. de Vaal and J. Blatt, **1794**. 4 vols. and one vol. of papers in appeal case to Batavia.

H. O. Laubscher *vs.* P. van Breda, **1801**.

W. Laubscher *vs.* P. van Breda, **1801**.

The fugitive F. Meyer and family, **1719**.

J. van Reenen *vs.* J. G. van Reenen, **1788**.

R. J. van der Riet *vs.* P. van Breda, **1801**.

T. A. Theron *vs.* T. Roos and three others, **1772-1773**, a *cause célèbre* in connection with membership of the Drakenstein church. 2 vols.

J. Lambrechts *vs.* J. Laubscher, **1797**.

<sup>1</sup> From 1813 proceedings in the law courts were held with open doors.



## THE COURT OF JUSTICE, 1656-1806

—(continued).

### 2. Criminal Cases.

During the 18th century criminal cases were tried before the Court of Justice at Cape Town. Both the Court and the Public Prosecutor guided themselves in their procedure by the Ordinance of Philip II, passed in 1570. After the Fiscal had been informed of the commission of a crime he took the depositions of witnesses and then applied to the Court for an order of arrest. If a person was caught in *flagrante delicto* he could be arrested at once and an application to Court to confirm this action had to be made within twenty-four hours. The Fiscal then laid his "claim and demand" before the Court, supported by the written evidence of the witnesses attested before two Commissioners of the Court. In his claim the Fiscal asked for the punishment of the accused if guilty and generally set out the form of punishment which should be awarded. All these proceedings were written and the documents read by the members before the case came on. As in civil cases, the procedure was held with closed doors. The prisoner was not confronted by his witnesses and if there was reason to suspect him of having been guilty and he would not confess he was put to torture, which practice was abolished in 1797. During the Batavian days the Court and Public Prosecutor had Provisional Instructions issued by de Mist for their guidance. Crimes committed in the country districts were prosecuted by the Landdrost before the Court of Justice, but this was subject to the "Right of Intervention" which the Fiscal had of conducting a case if he saw necessary.

Criminal Process Papers, **1654-1806**.<sup>1</sup> These volumes contain all the papers relating to each criminal case, the original "claim and demand" of the Public Prosecutor, copies of the sworn affidavits of witnesses and other supporting evidence. 222 vols.

Minute Criminal Process Papers, **1736-1806**. These are the original affidavits, etc., connected with the above. 83 vols.

Criminal Rolls, **1728-1806**. Years wanting. The record of proceedings of each case before the Court and kept by the Secretary. 63 vols.

One volume from **1701-1708** of civil and criminal rolls—*vide* under civil cases.

Index to the Criminal-Rolls, **1717-1779**. 2 vols.

Criminal Sentences, **1652-1806**. The sentence was signed by all the members and received the *fiat* of the Governor before it was carried out. It was read by

<sup>1</sup> The case of Estienne Barbier, 1739, to be found amongst this series and printed verbatim by Theal, see appendix.



## THE COURT OF JUSTICE, 1656-1806

—(continued).

the Secretary in open court after the ringing of the bell to bring the populace together. 22 vols.

Index to Criminal Sentences, **1652-1771.** 1 vol.

Edictal Citations, **1693-1699.** Often a criminal to escape justice took to flight. In such a case he was summoned three times by an edictal citation read to the people by the Secretary and copies of this were posted up. As in a civil case, he was allowed three defaults, but which deprived him of all legal exceptions and *beneficia*. Application was then made to the Court by the Prosecutor to have the delinquent declared an outlaw and that his property be confiscated. 1 vol.

The following cases brought by the Fiscal are each contained in a separate volume.

*Versus* the nine mutineers and condemned agriculturists, **1706** (the van der Stel troubles).

*Versus* A. A. van Soest, skipper of the wrecked Schoonenberg, **1723-1724.**

*Versus* Capt. Nies. Boudin, of the stranded La Jardiniere, **1794.**

*Versus* Lt.-Colonel C. W. M. de Lille, **1795.** De Lille was charged with High Treason alleged to have been committed while the British were advancing towards Muizenberg. He was acquitted.

*Versus* Michael Hogan, **1800.**

Confessions and interrogations, **1654-1685.** The confessions of accused persons and evidence of witnesses. 3 vols.

Index to confessions and interrogations, **1654-1673.** 1 vol.

Minutes (secret), **1728-1780.** 1 vol.

### 3. Documents Relating to Prisoners.

Before the close of the 17th century the Cape had become to be a settlement for prisoners sentenced to long terms of confinement by the Courts in the East Indies. At first most of them were political prisoners and persons of high rank, but later on criminals were also sent here. Amongst the political prisoners might be mentioned the well-known Sheik Joseph, connected with the troubles at Bantam in 1682 and who was sent here in 1694 after some years' imprisonment at Ceylon. He died in 1699 and was buried on the farm Zandvleit, near Somerset West, where his tomb is still visited annually by thousands of Mahommedan pilgrims. In looking through the

## THE COURT OF JUSTICE, 1656-1806

--(continued).

prisoners' roll the names are found of such persons as Daing Manguenama, a Prince from Macassar, exiled here in 1749. Eugenius Monoppo, ex-King of Boelong and Mongodo, banished in 1769. Both were prisoners of State and allowed respectively as subsistence the sum of 10 rixdollars (£2) and 3 rixdollars (12s.) per month. Mindie, Prince of Ternate, was sent here in 1766. Some of the lower classes of exiles from the Eastern possessions were used in the Fiscal's department as constables for taking drunken slaves to gaol and inflicting corporal punishment. The long service prisoners, whether sentenced at the Cape or in the East Indies, were put to work, often in chains, at Robben Island or the various fortifications of the Company. At the island they were employed in quarrying and dressing the blue stone to be found in abundance there and used in houses for flooring the interior or stoeps or for paving purposes.

Sentences of persons sent from Batavia and Ceylon to the Cape, **1722-1789**. These are copies of the criminal rolls of the Courts at these places. 7 vols.

List of convicts arriving at the Cape from Batavia and Ceylon, **1722-1757**. 1 vol.

List of persons who have served their term of banishment and have been sent back to Batavia, **1750-1781**. 1 vol.

List of persons condemned to Robben Island, **1758-1806**. 1 vol.

Convict Rolls, **1728-1795**. Shows where prisoner was sentenced and where working. 1 vol.

### 4. Documents before Court of Justice Commissioners.

The Commissioners of the Court have been referred to in the note on the Court of Justice. They tried as far as possible to settle a dispute expeditiously and with the least amount of costs to the litigants and to prevent it being taken before the full bench. Evidence of witnesses was sworn to in the presence of two of their number.

Attestations, declarations, interrogations taken before the Commissioners, **1701-1712**. 8 vols.

Attestations, declarations, interrogations by officers regarding ships' consumption of food, **1708-1752**, wanting 1725-1730. 3 vols.

Reports on inspection of ships, **1731-1763**. 1 vol.

Conditions of lease of hiring out the windmills, **1786-1800**. 1 vol.

## THE COURT OF JUSTICE, 1656-1806

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Criminal minutes, <b>1791-1793, 1797-1799, 1806.</b>	4 vols.
Evidence, minutes and annexures of cases, <b>1802-1806.</b>	2 vols.
Extracts of resolutions of the Council of Policy for the Commissioners, <b>1785-1792.</b>	1 vol.
Documents in connection with inquests <i>re</i> accidents and suicides, <b>1765-1792.</b>	6 vols.
Instructions issued to <b>1792.</b>	
Interrogations by Sir George K. Elphinstone and answered before the Commissioners, <b>1796.</b>	1 vol.
Minutes, <b>1782-1806.</b>	13 vols.
Minutes and Reports Draft, <b>1756-1759, 1798-1800.</b>	
Stamps embossed, <b>1716-1802.</b>	3 vols.
Stamps sold, <b>1751-1793.</b>	1 vol.
List of baggage branded, marked and permitted to be taken on board the Company's ships, <b>1741-1763.</b>	1 vol.
Untried cases of <b>1786-1794.</b>	1 vol.

## 5. Documents passed before the Secretary.

Many acts generally considered notarial were passed before the Secretary, such as agreements, contracts, wills, obligations, etc. In 1792 the Secretaries of the Council of Policy and Court of Justice were respectively appointed Notaries Public, from which date notaries were regularly admitted by the Government to practise before the Court until 1858, when they were admitted by authority of the Supreme Court.

Wills, **1686-1793.** Copies of the greater number of these, which are the originals, were filed in the Orphan Chamber after the testator's death. 89 vols.

Index to Wills, **1702-1780.** 1 vol.

Inventories, powers of attorney, obligations, sureties, transfers and emancipation of slaves, **1686-1700, 1710-1791.** 47 vols.

Inventory of all documents, papers and books handed over by each successive Secretary of the Court, **1739-1793.** Incomplete. Is interesting as showing what archives of the Court were kept and also the size and nature of the Court Law Library. 1 vol.

Contracts, **1689-1696.** 1 vol.

Attestations, declarations, certificates *de vita*, insinuations passed before the Secretary, **1727-1793.** 39 vols.

## THE COURT OF JUSTICE, 1656-1806

—(continued).

Annotation Book of the Secretary of inspections of persons who died suddenly, were wounded or drowned, **1705-1791.** 3 vols.

### 6. Letters Received and Despatched.

These are from and to the local Government, the various Courts of Justice in the East Indies or Courts in Europe when forwarding "Letters Requisitorial," *i.e.*, when the defendant resided at the Cape he was summoned by sealed letters of request sent by the Court having jurisdiction of the place in which the plaintiff resided or when a sentence was given against a defendant beyond the jurisdiction of such Court.

Letters Received, **1729-1806.** 12 vols.

Letters Despatched, **1720-1806.** 15 vols.

### 7. Memorials or Petitions.

These petitions were addressed to the President and Members of the Court and refer to a variety of matters requiring judicial sanction, *e.g.*, to sue *pro deo*, to obtain separation *a mensa et thoro*, to sell immovable property by executors of a deceased estate, to call upon estate creditors and debtors, etc. The petition had to bear an embossed revenue stamp and was couched in words with the deepest respect and set forth the reasons which had given rise to the matter submitted to the Court. The series is very interesting.

**1716-1806.** 45 vols.

### 8. Fee Books.

By a placat of 1714 a tariff of fees for legal documents was drawn up. The fee took the form of an embossed stamp on the document. Certain fees were due to the Court in both criminal and civil cases which were paid to the Commissioners, Secretary, Fiscal and Messenger. It is interesting to note that a criminal was mulcted with certain costs connected with his trial and the sentence of the Court generally ended after the form of punishment with the words "*cum expences.*" There are cases where a slave was ordered to pay for his trial, and his master, who was liable for the acts of his slave, had surrendered such slave to justice in lieu of the costs. The Secretary was entitled to fees for drawing up affidavits, publishing the sentence and sending copy of same to the officer of justice, the Commissioners of the Court for attesting the declarants, and both the first-named and the Messenger for being present at the carrying out of the sentence.

Fee Book in civil cases, **1726-1805**, years missing. 3 vols.

## THE COURT OF JUSTICE, 1656-1806

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Fee Book in criminal cases, **1739-1777, 1798-1801.**

6 vols.

Fee Book of Secretary, **1771-1782, 1795-1801.** 2 vols.

Receipt book for members' salaries, **1797-1802.** In 1797 members of the Court of Justice were first paid salaries for the duty which they performed.

### 9. Vendu Rolls.

The sale of effects of the judgment debtor or such property as the Court had directed to be sold was held by the Secretary of the Court as auctioneer and a complete vendu roll kept of the name of the purchaser, article sold and price paid. Cash was not always paid on the day of sale, but the Court Messenger went around later on to collect the amounts due. Both the Secretary and Messenger were entitled to fees connected with such sales. See note on Vendu Rolls of the Orphan Chamber, page 48, regarding holding of sales in the Colony.

**1688-1794.**

33 vols.

### 10. Statutes.

Statutes of Batavia, see under Council of Policy. The Supreme Court Library is possessed of a copy in three volumes of the later Batavian Statutes.

Copies of proclamations, advertisements and notices, **1661-1774.** This was used by the Fiscal and contains many police regulations. 2 vols.

One volume of extracts from the resolutions of the Council of Policy for the Fiscal and referring to laws and regulations to be observed. **1687-1781.** With Index.

### 11. Miscellaneous.

Papers handed over to Secretary by curators of person and goods of Sophia Boesses, widow of Pieter van Reede van Oudtshoorn.

Papers in the insolvent estate of S. V. Scheller, **1780.**

Enquiry *re* the Schoonenberg, **1722.**

Register of marriages before the Court of Justice, **1783-1796, 1802.** By resolution of the Council of Policy, dated the 22nd October, 1782, the Lutheran community were, at the request of their church office-bearers, permitted to marry before the Court, as was the practice in Holland and Batavia, and after the banns of marriage of the contracting parties had been proclaimed in the respective churches to which they belonged. 1 vol.

## THE COURT OF JUSTICE, 1656-1806

—(continued).

Oath Book from **1791**, being oaths of office taken by Court officials and practitioners. 1 vol.

Civil and criminal cases, miscellaneous collection with annexures, **1688-1806**. 18 vols.

Appeal cases sent by Court to Governor-in-Council in terms of publication 24th May, 1804. **1804-1806**. 1 vol.

Civil and Criminal Minutes Draft (*Klad*), **1756-1806**. These were written up by the Secretary at the sittings of the Court. 49 vols.

Civil and Criminal Minutes Draft (*Concept*). The proceedings drawn up before the sitting but not approved. 16 vols.

Inventory and vendu roll of goods of J. G. Andresen, writer at the Hospital and who was about to repatriate, **1779**. 1 vol.

Bills of costs in appeal cases taken to Batavia, **1788**. 1 vol.

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PART III.

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THE ORPHAN CHAMBER.

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1673-1806.



## PART III.

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### THE ORPHAN CHAMBER, 1673-1806.

The Board of Orphan Masters was established at the Cape about 1673. In the following year we read in the Government Journal of monies of the Cape Orphans being administered by the Diaconate or Poor Fund and a proposal to separate such monies and place them with the Orphan Chamber.<sup>1</sup> A few months later the Journal records that "the Board of Orphan Masters, already created last year, shall be increased by a Company's servant, so that it will consist of five members, besides a burger to be appointed as Secretary."<sup>2</sup> Two of the members were chosen from the members of the Court of Justice and two from the Burger Councillors. Not long after the Board consisted of a President, Vice-President, drawn from the Company and burgers respectively, two Company members and two burger members. A nomination of names was sent in every two years for Government to select from. The office of President and Vice-President was made permanent in the days of the Batavian Government.<sup>3</sup> After 1806 the appointments were not made with reference to any particular principle. From this date to 1828 the Presidency was held by the President of the Court of Justice.

The Orphan Chamber originated through the early necessity of making provision for the collection and administration of the property of persons who died intestate and left heirs absent from the Colony or were under age and therefore unable to take the duty upon themselves. Property of persons who died on the voyage to and from Europe and found on board was subject to its jurisdiction. By a letter of the 30th March, 1711, the Cape Government was advised that the Chamber was not to be burdened with deceased estates of Company's servants and burgers who had died on the voyage. Its principal duties were:<sup>4</sup> (1) the administration of the estates of persons dying intestate in the Colony or on the voyage and leaving absent or minor heirs, also estates of those who had

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<sup>1</sup> Journal, 9.10.1674.

<sup>2</sup> *Ibid* 13.12.1674, Tennant in his "Notary's Manual" says the Chamber was established in 1691. By a letter, 28.9.1675, from the Seventeen to the Cape the establishment of this Chamber was approved.

<sup>3</sup> Provisioneele Instructie voor de Weeskamer, art. 1.

<sup>4</sup> *Idem* Treatise for His Majesty's Commissioners of Enquiry.

## THE ORPHAN CHAMBER, 1673-1806

-(continued).

not specially excluded the Orphan Masters in their will, or had specially appointed them even where their heirs were majors and resident here; (2) the registration of wills of deceased persons; (3) administration of minors' property; (4) receiving and paying to present and absent claimants the portions or legacies due to them; (5) keeping a death register or record of persons who died at the Cape; (6) recording the resolutions and transactions of the Board.

In 1714 the Government issued to the Orphan Masters a set of Rules and Regulations by which they were to be guided in carrying out their duties.<sup>1</sup> These instructions were taken over from the Statutes of Batavia together with a tariff of fees which were to be charged in administering an estate. In 1793 renewed instructions were issued and were compiled from the 1714 rules, from those of the Orphan Chamber at Batavia, from a sketch of instructions submitted to the Government by the Orphan Masters, and from a report relative to the improvement in the Chamber.<sup>2</sup> Provisional Instructions were framed for the Orphan Chamber by de Mist,<sup>3</sup> but these show that they were evidently "framed more with a view to confirm the standing rules than to introduce new regulations."<sup>4</sup> Ordinance 104 of 1833 abolished the Orphan Chamber, and its duties were transferred to the newly-appointed office of Master of the Supreme Court.

It might be of interest to note one or two of the articles of the instructions laid down. Immovable property of orphans could only be sold by an order of Court, and such property had to be put up for public auction and sold to the highest bidder. An absent minor, absent from the country for sixteen years, could be publicly summoned at his last-known place of residence if it was uncertain whether he was alive or dead. If it could not be ascertained what had happened to him, his heirs could receive his property upon giving security *de restituendo*. Persons had to obey a summons to appear before the Masters as if it had emanated from a Court, and upon a third default to appear they could be brought before the Court of Justice. From the resolutions sent from time to time by the Government to the Board and the instructions framed in 1793, it would appear that the Orphan Masters were given nearly the same portion of authority and jurisdiction in testamentary matters as was exercised in earlier periods by the spiritual Courts in England.<sup>5</sup>

<sup>1</sup> Resolutions, Council of Policy, 26.6.1714.

<sup>2</sup> Annexures to Treatise for His Majesty's Commissioners.

<sup>3</sup> Provisioneele Instructie voor de Weeskamer.

<sup>4</sup> Treatise for His Majesty's Commission.

<sup>5</sup> Report of Commissioners of Enquiry on Court of Justice, Theal's "Records of Cape Colony," 28-110.

## THE ORPHAN CHAMBER, 1673-1806

—(continued).

The annexures to the liquidation and distribution accounts of the Orphan Chamber form one of the most important series of the collection, as they contain very useful material for a social and economic history of the Cape in the early days. They contain private ledgers, correspondence, memo books, paid accounts, business transactions of deceased persons. All the records of the Chamber are, as a matter of fact, of great value, which cannot be over-estimated. The greater portion of the records of this Chamber was taken over by me in 1912.

### 1. Wills.

Article 11 of the Instructions to the Orphan Chamber in 1793 laid down that "all wills shall be exhibited to Orphan Masters in order to be registered." It appears that up to the passing of Ordinance 104 of 1833, which provided that a will on a testator's death was to be transmitted to the Master of the Supreme Court, certified copies were filed of record in the Orphan Chamber.

Wills, **1689-1806.** 52 vols.

Wills in which Orphan Masters have been nominated as executors, **1781-1806.** This introduced a new system of separating such wills from those in which Masters were not elected as executors. 5 vols.

Unregistered wills and inventories, **1799-1806.** 5 vols.

Index to wills arranged alphabetically. 1 vol.

### 2. Inventories.

According to the Treatise on the Orphan Chamber for His Majesty's Commissioners, the oldest document of the Orphan Chamber was an inventory, dated 15th June, 1673, in the estate of Dirk Verwey deceased and his spouse Tryntje Theunisz. But the first inventory in this series is one dated 20th October, 1673, of the estate of Francois Chamfelaar. To the first volume are two indexes; the older one does not refer to Verwey's estate, but the numbers of the inventories in the book to which they refer are not quite the same as the later index. It is probable that the first two inventories were lost before the book was bound.

**1673-1806.** Very useful information to be found regarding social and economic matters. 25 vols.

Inventories and Taxations, **1780-1806.** 8 vols.

Alphabetical Indexes to these two series. 2 vols.

## THE ORPHAN CHAMBER, 1673-1806

—(continued).

### 3. Vendu Rolls.

During the 18th century there were no licensed auctioneers. The right of holding public sales was vested in the Secretary of the Council of Policy as Vendu Master, but the Secretaries of the Orphan Chamber and Court of Justice could hold sales when the property sold referred to their respective office. A complete list or vendu roll was kept of each sale and showed the item sold, the name of the purchaser and the price paid for it. The vendu rolls of the Orphan Chamber and Court of Justice are useful for ascertaining ruling prices at auction.

**1676-1806.**

21 vols.

### 4. Liquidation and Distribution Accounts.

To-day every executor who enters upon the administration of a deceased estate is compelled by law to lodge with the Master a full account of his administration of such estate, supported by vouchers for all monies spent. Formerly, however, when the Orphan Masters took control of an estate, which they did when nominated as executor, when not specially excluded by will or the deceased died intestate, they took possession of all the effects found in the estate. They advertised for creditors and debtors to lodge their claims or liquidate their debts, sold the movables and immovables by public auction, the latter only by order of the Court, and then liquidated the claims and distributed the residue amongst the heirs. They kept an exact account of the money so received and distributed. Interested parties could obtain copies thereof. Executors testamentary, other than the Masters, were not required to render to the Chamber such an account, except where the latter had not been excluded from interference.

**1709-1806.**

29 vols.

Annexures to the liquidation and distribution accounts. These contain the vouchers for accounts paid, private correspondence found in the estate,<sup>1</sup> and papers having reference to money matters, memo books, diaries,<sup>1</sup> ledgers, etc., and form most useful information from an economic and social point of view. Loose bundles.

Cash vouchers for receipt of inheritances received by minors whose monies were administered by the Chamber. Up to 1806.

<sup>1</sup> *E.g.* "A voyage to the Cape in 1798—Journal of a passenger on board the Princess of Wales" appeared in the "Cape Times" of 27.7.1917. "An Old Cape Family—the Fehrszen Family," "Cape Times," 23.8.1916.



**THE ORPHAN CHAMBER, 1673-1806**

—(continued).

**5. Death Register.**

In 1711 the Orphan Masters saw the necessity of opening a Death Register, and asked the church authorities to order their sexton to submit to the Board the names, condition and place of burial of every individual whose funeral they attended. In spite of the sextons being prohibited in 1714, under forfeiture of their office, of having a grave dug without previously notifying the death to the Secretary of the Chamber, it appears that no beginning was then made with the register. The first one extant begins in 1758. Up to 1797 the particulars given are: Name of deceased, residence, date of death and calling or occupation. After this fuller details are entered, as age, birthplace, whose wife, widow, son or daughter deceased was, and at whose residence he died.

**1758-1806.**

2 vols.

**6. Letters Received.**

The Orphan Chamber corresponded with the Orphan Chamber in Holland and Batavia and such other possessions of the Company in which heirs of persons dying intestate here resided. It was also referred to by the authorities of other countries in Europe when enquiring on behalf of heirs in those places. Letters were exchanged between the local Government and private individuals.

**1690-1797.**

16 vols.

**7. Letters Despatched.**

The same note as above applies.

**1690-1806.**

11 vols.

**8. Resolutions.**

Amongst the several duties of the Secretary to the Orphan Chamber was to record its proceedings and resolutions. It appears from the first resolution of the volumes existing and dated 21st November, 1757, that prior to this date the resolutions were written on loose sheets and signed by the Secretary. It was resolved that in future they were to be entered in a bound volume and signed by all the members. The resolutions refer to matters in connection with the administration of estates and minors' property.

**1757-1805.**

44 vols.

**1789-1793.** Draft Resolutions.

1 vol.

Minutes **1696-1698, 1723-1736**; incomplete. These appear to be of the same nature as the resolutions. They are signed by the Secretary and relate to matters brought before the Board and the decision thereon.

## THE ORPHAN CHAMBER, 1673-1806

—(continued).

### 9. Kusting Brieven.

These are mortgage bonds passed in favour of the Orphan Masters on behalf of the heirs of a deceased person for the purchase price of the landed property sold in such estate. A Kusting Brief had to be passed before the Commissioners of the Court at one and the same time that the transfer of the property specially hypothecated was executed.

**1709-1806.**

8 vols.

### 10. Conditions of Sale.

The immovable property of a deceased estate was put up by public auction after the sanction of the Court had been obtained. The highest bidder had to sign the conditions upon which the property was sold and to furnish two sureties.

**1697-1806.**

7 vols.

### 11. Bewijzen.

The survivor of two spouses who wished to re-marry and had minor children by the first marriage, had to enter into a bond or *kinderbewijs* before the Orphan Master, securing to such minors their inheritance due from the estate of their deceased parent. To-day a certificate from the Master of the Supreme Court is necessary to enable a surviving spouse to re-marry.

**1731-1806.**

12 vols.

### 12. Miscellaneous.

Advertisements and notices calling upon creditors and debtors, **1765-1796.** 2 vols.

Annexures, **1758-1768, 1786-1798.** 2 vols.

Report on the Orphan Chamber, **1794** (see p. 18).  
1 vol.

Register of certificates of marriage granted by the Matrimonial Court and produced to the Orphan Chamber. **1759-1763.** 1 vol.

PART IV.

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DEPARTMENTS OF THE FIRST  
BRITISH OCCUPATION.

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1795-1803.



## PART IV.

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### DEPARTMENTS OF THE FIRST BRITISH OCCUPATION, 1795-1803.

On the 16th September, 1795, the officials of the Dutch East India Company capitulated to the arms of Great Britain. A list of all the effects taken over, buildings, fortifications, armaments, records, etc., is to be found in the papers of Commissioner Sluysken, volume 4. At first the Government was carried on by the chief officers of the naval and military forces, Admiral Elphinstone and Generals Clarke and Craig, but in November was placed in charge of General Craig when the first two left the Colony. In May, 1797, Earl Macartney took over from General Craig as the first British Governor. The Council of Policy of the Company ceased to exist, and all the powers exercised by the Governor and Council were vested in the British Governor. The general policy of the Dutch underwent some changes, yet the same forms of administration were carried on until 1803. During this period several new departments were created, and others of the old régime were carried on under new titles.

The principal officials before 1795 were as follows: The Governor, with a salary of approximately 13,000 rixdollars<sup>1</sup> per annum, a Vice-Governor, with 8,000 rixdollars, Receiver-General of Revenue, President of the Bank and Keeper of the Corn Magazines, each with a salary of 4,300 rixdollars, the Fiscal, the Cashier and Secretary of the Council of Policy, each receiving 4,200 rixdollars. Some of these officers had other duties to perform, as the Receiver-General was also President of the Court of Justice, and the Keeper of the Corn Magazines was President of the Commissioners of the Court of Justice and also of the Commissioners of the Court of Petty and Matrimonial Cases, in addition to which they were all members of the Council of Policy.<sup>2</sup> The various heads were assisted by bookkeepers and clerical assistants.

A number of the Company's civil servants were willing to take and were given employment in the new Government. Earl Macartney received £12,000 per annum and the Lt.-Governor £3,000. A new office of Secretary to Govern-

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<sup>1</sup> A rixdollar then reckoned at 48 pence.

<sup>2</sup> "Records of Cape Colony," I.241; and general list of Company's servants on 16.9.1795.

## DEPARTMENTS OF THE FIRST BRITISH OCCUPATION, 1795-1803—(continued).

ment was created, and this official, who received £3,500, virtually took over the duties performed by the Secretary of the Council of Policy. The Deputy Secretary had a salary of £1,500, the Fiscal £1,200, and each of the following officials enjoyed £1,000 per annum: Collector of Customs, Comptroller of the Customs and the Civil Paymaster, while the Auditor-General and Commissary of Accounts received £1,050. The Chief Searcher, Postmaster-General, Port Captain, Colony's Agent, Receiver-General, Collector of Land Revenue, Collector of Inland Customs, and President of the Court of Justice, each received salaries from £700 downwards.<sup>1</sup> In 1800 an Agricultural Department was formed, as well as a Chief Taster and Examiner of Wines. The latter had power to enter into, taste and examine in any cellar, warehouse, public-house or place where wine, brandy or spirituous liquors were sold, whether wholesale or retail.<sup>2</sup>

In 1880 Dr. Theal published a catalogue of the documents of this period and which were then accessible, but several more have since been sorted and classified and now form portion of several of the classes of correspondence which he mentioned. This catalogue is quite useful when using the records of the first British occupation.

### 1. Government Departments.

Most of the following are each contained in one volume.

#### *Agricultural Departments.*

In 1799 Mr. Wm. Duckitt entered into an agreement in England to come out to the Cape and form an Agricultural Department, then in contemplation. He arrived in 1800. Letters received from, by Government, **1801-1802.**

#### *Auditor-General.*

Letters received from the Commissioner of Stamps, **1798-1802.**

Report of stamps printed, returns by the Court of Justice, **1798-1802.**

#### *Collector of Customs.*

Duties and fees paid at the Custom House. **1798-1802.**

#### *Colonial Office.*

One of the most important offices in the Government was that of the Secretary and Registrar, the successor

<sup>1</sup> "Records of Cape Colony," 2.295.

<sup>2</sup> Proclamation 14.8.1800.







## DEPARTMENTS OF THE FIRST BRITISH OCCUPATION, 1795-1803—(continued).

to the duties formerly performed by the Secretary of the Council of Policy. The Secretary was the medium through whom all Government correspondence passed and at whose office all deeds were registered. He also had the records of the Colony under his custody.

Day Book or Diary kept in the Secretary's office, **1795-1803**. Contains a diary of events and official business performed in the office. 2 vols.

Letters Received and Despatched, see Letters Received and Despatched.

### *Inspector of Buildings.*

Letters received by Government from **1797-1802**. In 1796 a new appointment was made of Inspector of Lands and Buildings. He had under his charge all lands, woods, houses, buildings of every sort, wharves, aqueducts, etc., and generally all Government property not occupied by the military. He was to see to their preservation and repair. The first to receive the appointment was William Somerville (husband of Mary Somerville, born Fairfax, the noted writer on science).

### *Receiver-General.*

Cash Account, **1795-1802**, contains original receipts for monies spent. 26 vols.

Warrant Book, **1799-1801**. 1 vol.

Warrants signed by Governor for payment, **1797-1802**. 6 vols.

Warrants (copies) for period **1795-1797**. 1 vol.

### *Receiver of Land Revenue.*

Cash Book, **1798-1803**. 3 vols.

Monthly returns of land revenue collected, **1798-1802**. 1 vol.

Letters received by Government from **1797-1802**. 1 vol.

## 2. Letters Received.

The documents of the Government departments of the first British occupation consist in the main of letters received. The greater portion is correspondence addressed either to the Governor or the Secretary, but dealt with by the latter after receiving instructions from His Excellency. Those sent in by individuals in most cases took the form of memorials or petitions. By regulation each petition had to bear an embossed revenue stamp of the value of twelve stivers or one shilling.

## DEPARTMENTS OF THE FIRST BRITISH OCCUPATION, 1795-1803—(continued).

The following correspondence was received by Government:—From

Agricultural Department, **1801-1802.**

Board of Revenue, **1795-1798.**

Burger Senate, **1795-1802.**

Churches, **1795-1802.** Includes their financial statements, election of elders, etc.

Collector of Customs, **1797-1802.**

Commissary-General and Agent of H.E.I.C. Service, **1797-1802.**

Corn Board, **1800-1801.**

Court of Justice, **1795-1801.**

Court of Matrimonial Cases, **1797-1801.**

Court of Vice-Admiralty, **1799-1800, 1802.**

Fiscal, **1795-1802.**

Inspector of Buildings, **1797-1802.**

Landdrost and Heemraden, Graaff-Reinet, **1796-1798, 1802.**

Landdrost and Heemraden, Graaff-Reinet, **1795-1802**, being a collection of letters relating to the troubles at Graaff-Reinet.

Landdrost and Heemraden, Stellenbosch, **1795-1802.**

Landdrost and Heemraden, Swellendam, **1795-1802.** Landdrost and Heemraden, Swellendam. These papers refer to the revolt at Swellendam, **1795.** Copies of official correspondence connected with the disturbances at Swellendam. First document dated 19th June, 1795, and last one 25th September, 1795. There are twenty-eight leaves containing the original signatures of those who took the oath of allegiance at Swellendam to George the Third and also a list of those unable through age or illness to appear at the Drostdy.

Lombard Bank, **1798-1801.**

Matrimonial Court, **1797-1801.**

Military, **1796-1802.**

Miscellaneous individuals, **1795-1803.**

Orphan Chamber, **1798-1801.**

Paymaster, **1800.**

Postmaster-General, **1800.**

Prize Agents of Captured Ships, **1798.** Copies of correspondence to and from Government.

Receiver of Land Revenue, **1797-1802.**

Index to Letters Received, **1797-1802.**

## DEPARTMENTS OF THE FIRST BRITISH OCCUPATION, 1795-1803—(continued).

### 3. Letters Despatched.

Letters and Annexures, **1796-1797**. Contains copies of enclosures to despatches to Secretary of State. Interesting returns relating to revenue and expenditure, census, capital punishment, extracts of Royal Instructions to the Governor, etc. 1 vol.

By General Craig to Secretary of State, 16th June, **1795**, to 22nd May, **1797**. 1 vol.

By Secretary to Government to officials, bodies and individuals within the Colony, **1796-1803**. 7 vols.

### 4. Reports.

On Strangers, **1797-1801**. Reports sent from time to time by the Fiscal on all persons (foreigners) remaining at the Cape. Particulars given, name, birth-place, occupation, name of ship in which the party arrived and place of residence at the Cape. On the 7th June, 1796, a proclamation was issued ordering all foreigners of whatever nationality to report themselves to the Town Major, and inhabitants were to report to the Fiscal all such persons lodging with them. A proclamation of a few days later laid down that foreigners did not include "Dutch persons who resided at the Cape at the time of the surrender of the Colony" and others of any nation who had been admitted as burgers. A proclamation of the 13th May, 1797, prohibited all persons not belonging to the Cape before its capture from settling here unless they had authority from the Secretary of State to do so. On the 30th May following Britishers and foreigners had to obtain a special licence from the Commander-in-Chief or a passport from the Secretary of State in order to allow them to remain here. A proclamation of the 22nd September, 1801, required all persons who arrived since 13th June, 1796, whether Britishers, foreigners or prisoners of war, to report themselves to a Commission then appointed, and those not in possession of passports could apply to this Commission for same. Included in the above volume of Reports on Strangers is a "List of inhabitants at the Cape of Good Hope having passports previous to the sitting of a Commission for the examination of passports." Also "Passports issued on the 3rd November, 1801." 1 vol.

From the Postholders of the various bays, **1795-1802**. 1 vol.

By the Governor-General and Councillors at Batavia, dated 23rd April, 1801, for the year **1799**, and sent to the Seventeen at Amsterdam. 1 vol.

## DEPARTMENTS OF THE FIRST BRITISH OCCUPATION, 1795-1803—(continued).

### 5. Instructions.

Instructions by Government to the various officials, departments and public boards, **1796-1801.** 2 vols.

### 6. Burger Documents.

List of burgers in the Cape district, **1800.**

Oath Book. Three volumes of signatures of persons who took the oath of allegiance to George the Third.

### 7. Burger Senate Documents.

The Burger Senate was created by proclamation of the 31st January, 1796, and took the place of the College of Commissioners of the Court of Justice (*q.v.*), which was dissolved. It performed all the duties, except of a judicial nature, formerly undertaken by the Burger Councillors (*q.v.*) and the College of Commissioners. It consisted of six members, the senior of whom was President, and all appointed by the Governor from a nomination list submitted by the Senate itself. Although they did not take a seat in the Court of Justice, any of the members could be appointed to the bench in addition to holding office in the Senate.

Accounts of Income and Expenditure, **1800-1801.**

Instructions issued for **1796-1805.** 1 vol.

Letters received by Government from the Senate, **1795-1803.** An amount of information will be found in these volumes relating to paper currency, prices of Colonial produce, municipal regulations and Colonial trade. 4 vols.

Extracts of Resolutions, **1797-1798.** 1 vol.

### 8. Statutes.

Original Placaat Book, **1795-1803.** 3 vols.

Copies of proclamations, advertisements and notices, **1795-1803.** 2 vols.

### 9. Land.

Loan Places, **1794-1798.** Names of owners, places and situation given. 1 vol.

Memorials for Land. See under Memorials.

Receiver of Land Revenue. See under Government Departments.

### 10. Memorials.

A number of bound volumes contain memorials to Government on a variety of subjects. Many of these were arranged, bound and labelled by Dr. Theal and mentioned in his "Catalogue of Documents in Colonial Archives."



## DEPARTMENTS OF THE FIRST BRITISH OCCUPATION, 1795-1803—(continued).

**1795-1803.** Contains requests of general nature.

For land, **1795-1802.** These volumes are useful for material on land tenure. 3 vols.

Index to memorials, **1799-1803.** 1 vol.

For emancipation of slaves, **1795-1803.** A slave received his manumission from his owner by will, gift, or by purchasing his own freedom. The permission of the Governor was necessary to complete the emancipation, and a sum of fifty rixdollars had to be paid to the church fund. Further, a bond of security had to be entered into that the freed slave would not become a burden as a pauper for a period of twenty or twenty-five years. 1 vol.

### 11. Macassar.

Copies of letters to and from, with register:

(a) Bima, **1798.**

Bima, **1798,** Secret.

(b) Boelecomba, **1798-1799.**

Boelecomba, **1797-1798,** Secret.

### 12. Finance.

Lombard Bank Cash Book, **1796-1798.** 1 vol.

Lombard Bank, Letters Received by Government from, **1798-1801.** 1 vol.

Lombard Bank, Resolutions of, **1795-1803.** 2 vols.

Lombard Bank, Acts and papers concerning paper money, **1795-1817.** 1 vol.

See under Government Departments, Receiver-General and Receiver of Land Revenue.

### 13. Court of Petty and Matrimonial Cases.

A proclamation of Earl Macartney, dated 24th April, 1797, made certain alterations in the constitution of the Courts of Justice, amongst which was the increased jurisdiction of the Court of Petty Cases. This Court was empowered to determine cases in which an amount not exceeding £40 was involved. The Court of Matrimonial Cases continued as before, the members being the same as those of the Court of Petty Cases.

Court of Petty Cases, Minutes, **1797-1803,** wanting 1801. 3 vols.

Court of Petty Cases, Annexures to Minutes, **1800, 1802, 1803.** 3 vols.

Court of Matrimonial Cases, Minutes, **1795-1803,** wanting 1800. 5 vols.

## DEPARTMENTS OF THE FIRST BRITISH OCCUPATION, 1795-1803—(continued).

Court of Matrimonial Cases, Annexures to Minutes,  
**1798-1803**, wanting 1800. 9 vols.

### 14. Ships' Documents.

Arrivals and departures of ships, 16th September,  
**1795**—20th July, **1800**, **1803-1805**. Particulars are  
given of name of ship, captain, date of arrival, place  
from whence sailed, where bound, lading and general  
remarks. 2 vols.

Bonds entered into by ships that no deserted soldiers,  
sailors, negroes or slaves will be received on board,  
**1797**, **1799-1803**.

### 15. Slave Documents.

Memorials for emancipation of slaves, **1795-1803**.<sup>1</sup>

Bonds for slaves, **1798-1803**. Securities entered into  
that an emancipated slave would not become a burden  
to the community for a certain number of years.<sup>1</sup>  
2 vols.

### 16. Court of Vice-Admiralty.

In 1797 a Court of Vice-Admiralty was created with a  
single Judge, and its jurisdiction extended from Cape Negro  
on the west coast of Africa to Cape Correntes on the east.

Proceedings on the 26th June, **1798**, and 19th  
March, **1801**. 1 vol.

Letters received by Government from the Court,  
**1799**, **1800**, **1802**. 1 vol.

Miscellaneous Papers, **1800-1822**. 1 vol.

### 17. Miscellaneous.

Sketches of the political history of the Cape of Good  
Hope. Manuscript written after **1795**. 1 vol.

Surrender of the Cape to the British, **1795**. Narra-  
tive of the surrender by a Friend of Truth resident  
there. The author, Philip Wilhelm Marnitz, was an  
officer in the Dutch artillery, and was present at the  
fight at Muizenberg. Verbatim copy. 1 vol.

Surrender of the Cape to the British, with Report  
by Captain Dekker, **1795**. Verbatim copy. 1 vol.

Memo of daily and weekly return of bakers of Cape  
Town regarding bread consumption, **1801-1802**. 1 vol.

<sup>1</sup> See under Memorials.

**PART V.**

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**DEPARTMENTS OF THE BATAVIAN  
REPUBLIC.**

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**1803-1806.**



## PART V.

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### DEPARTMENTS OF THE BATAVIAN REPUBLIC, 1803-1806.

By the Treaty of Amiens the Cape was restored to the Dutch. Mr. Jacob Abraham de Mist, LL.D., member of the Department for Indian Affairs of the Batavian Republic, was sent out as Commissioner-General to receive the Cape from the British. He announced to the people upon his arrival that it was proposed to grant a charter to the Colony after it had been approved of by the States-General. In his report on the Cape, which he had drawn up before coming out, he had made several suggestions as to the constitution of the Government, many of which were adopted. The executive and legislative authority was vested in a Governor and a Council of four members; all were appointed by the authorities in Holland. One of the members had to be a colonist who had been born here and resided at the Cape for a long period. The Cape was free from any control of the authorities at Batavia, but was dependent upon the Netherlands. In a proclamation of de Mist he announced to the colonists that "It is the will of the Batavian people that this settlement will be no longer dependent upon the High Regency at Batavia, nor upon any commercial body whatsoever; the constitution has abolished all particular privileges of that nature, and the inhabitants of the Colony of the Cape will know in future no other Government than that which the Batavian people has appointed over themselves."<sup>1</sup> De Mist was invested with the power of making new laws and regulating the administration and government of the Cape, and also of drawing up the charter which was to be submitted to Holland.<sup>2</sup> The regulations were, however, to be only provisional in character and were to be transmitted to Holland before promulgation. Before these could be considered, the Cape was taken by the British in 1806. Further remarks are made under the heading of Instructions regarding these provisional regulations.

#### 1. Resolutions.

The Resolutions of the Council of Policy of this period are complete and very fully kept. A copy of every memorial, letter or report debated upon is inserted in the original resolu-

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<sup>1</sup> Proclamation, I.3.1803.

<sup>2</sup> *Ibid.*

## DEPARTMENTS OF THE BATAVIAN REPUBLIC, 1803-1806.—(continued).

tion. The original document is to be found with the annexures. The alphabetical index to these resolutions is extremely useful in making researches.

<b>1803-1806.</b>	14 vols.
Draft <b>1803-1804.</b>	18 vols.
Secret <b>1803-1806.</b>	2 vols.
Annexures to <b>1803-1806.</b>	39 vols.
Annexures (Secret) to <b>1803-1805.</b>	1 vol.
Index to <b>1803-1805.</b>	1 vol.

The following, relating to matters of special note, were bound separately, viz.:—

Memorial of Smit and Kogelenberg, **1803**; correspondence between de Mist and G. F. Grand, **1803**; *re* publication of pamphlet by A. van Pallandt, “*Remarques Generales sur la Cap de Bonne Esperance, 1803*”;<sup>1</sup> lands, **1803**; lands at St. Helena and Saldanha Bays; reports on improvement of cattle, Cape and Spanish sheep, W. S. van Ryneveld, **1804**; vaccination, **1803-1804**; extracts of secret resolution concerning the Jefferson, **1804**.

### 2. Letters Received.

The letters from public officials, boards and private individuals were all bound under the heading of Bijlagen or Annexures (see under Resolutions).

Correspondence between General Janssens and the British Officers, 13th January to 26th March, **1806**.

1 vol.

### 3. Letters Despatched.

By Secretary to Government to authorities in Holland and Batavia, individuals and public boards at the Cape, **1803-1806**.

3 vols.

Secret letters despatched to authorities in Holland and Batavia, **1804-1806**.

1 vol.

Despatch Book; contains reference to matters dealt with by the Council of Policy and referred to the various Government departments.

2 vols.

### 4. Journal.

Diary of a journey through the Karoo by Dr. H. Lichtenstein in connection with vaccination, **1805**.

1 vol.

Diary of a journey from Tulbagh to the Briqueas by H. v. d. Graaff, **1805**.

1 vol.

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<sup>1</sup> Van Pallandt's Remarks, printed 1917. see appendix.



*Colonial Occurrences.*

On Monday, Mrs. Briggs' house, 101 West 12th St., was sold by Public Sale, and was purchased by Mr. Abraham De Sa.

The Warden's admitting, we're now days and published by Mr. J. O. 19-46, by J. O. 19-46.

On Sunday last died suddenly from  
swelling of a blood vessel, at his  
residence, 100 Second Street, Samuel Kemble, 85  
years.

COVAT OF JUSTICE.

On Thursday the 7th Instant.

Two new sentences to be added to common recitations, in the fourth

These were accounted of the  
English revolution

VICE ADMIRALTY COURT

The Nalle Venbosa del Reial  
 de Senhores del Correo, taken  
 in the city of Madrid, on the Spanish  
 postage stamps, where condemned  
 to the gallows with their cargo.

W.F.K.V. KPHO-TV  
OF THE CARP TOWN MARRIAGE  
What, per I would to Me, as has D  
Bridley, per Wed. 871018

Yellow seed beans, 14 feet long. 10  
Yellowish in color. Defective.  
1500, 15 by 10 to 16 d 10,  
1000, 15 by 10 to 16 d 10,

... per year.

Cape Cod Bay, per ditto ditto, each 10  
 Cape Alex. per ditto ditto, each 10  
 Pacifico India, each 10  
 Cape Tobacco, per 100 lbs. 10  
 S. 1000

Sape 30-p p<sup>r</sup> 16, 40 m e b  
rative, for 10-15 to 18 h. Dif.  
M. S. When say at the  
to David and have been a V.I.C.  
of the even, the price quoted, each  
be 10 p r c 11 each the had was all

At Cape Town the 17th August, Mr. ...  
... to Mr. & C. ...  
At the Port, the 17th August, Mr. & C. ...  
... of ... to Mr. & C. ...  
... Mr. & C. ...

Town Gazette

GEAUTHORIZEERDE,

Kaapche Stads Courant,  
EN  
AFRIKAANSCHIE BERIGTER.

Page I, ZATERDAG, den 16de AUGUSTUS, 1800., GETAL I,

[illegible][illegible]

**D**IE VERGEGENWÄRTIGUNG DER VERGANGENHEIT ist ein Thema, das seit Jahrhunderten die Dichter und Denker beschäftigt hat. In der Literatur ist es ein zentraler Bestandteil der Kunst, die Vergangenheit zu rekonstruieren und sie in der Gegenwart zu verankern. Dies geschieht durch die Schilderung von Ereignissen, die in der Vergangenheit stattfanden, und durch die Analyse der Ursachen und Folgen dieser Ereignisse. Die Literatur ist somit ein Spiegelbild der menschlichen Existenz, das die Vergangenheit in der Gegenwart wiederbelebt und so das Verständnis der menschlichen Natur vertieft.

**KAAP STAD**

Zaterdag 7 April 1906.

Ten Prakke van de Heeren W.A.Kap.  
KORSTENSON & Co.

Zaterdag 7 April 1906.

Ten Prakke van de Heeren W.A.Kap.  
KORSTENSON & Co.

geen ander bij zijn en bevestigde, gereserveerd. Het is niet mogelijk, om andere gezinnen te laten weten, dat zij niet in de familie van de heer van de Koppel zijn. Het is niet mogelijk, om te laten weten, dat zij niet in de familie van de heer van de Koppel zijn. Het is niet mogelijk, om te laten weten, dat zij niet in de familie van de heer van de Koppel zijn.

[illegible][illegible][illegible]

TUN Alimento, uno dei più buoni che  
 Big Man, ogni tipo di carne ha  
 mal Gato, e nella stagione dei corni ha  
 più Gato, e nella stagione dei corni ha  
 più Gato, e nella stagione dei corni ha

[illegible]

and African Antiquities 1641 August 1800

*Reproduced from original in the Arch.*



## DEPARTMENTS OF THE BATAVIAN REPUBLIC, 1803-1806.—(continued).

Diary of Commission for the improvement of cattle and agriculture, **20-11-1805** (see under Miscellaneous).

1 vol.

### 5. Instructions.

These instructions were issued to the various Government officials and departments. The greater number issued to the latter were "Provisional," as it was intended that they were to be sent to the authorities in Holland for approval, having, however, effect in the interim. They were afterwards to be incorporated in the Charter. While the time between their issue and the taking of the Cape in 1806 did not permit this scheme being carried out, the provisional instructions were observed after 1806 for many years until repealed or amended.

**1802-1805.** This is contained in one volume and commences with the instructions issued in May, 1802, by the authorities of the Batavian Republic in Holland to Governor and Commander-in-Chief, General Jan Willem Janssens. Then follow the various provisional instructions issued at the Cape by de Mist, and ends with instructions to various other minor officials.

Instructions, orders and regulations, **1803-1805.**

1 vol.

These are all printed and include the provisional instructions above, church and school orders of de Mist, the Ordinance of 23rd October, 1805, for the administration of the country districts. The latter is very interesting and important. The provisional instructions were issued to the following departments and officials: Colonial Treasury, Court of Justice, Secretary and Secretariat of Policy, Substitute Secretary and Chartermaster, First Commissioner of Secretariat, Despatch Clerk, Clerks generally, Receiver-General, Insolvent Chamber, Regulations, Management and Administration of Loan Bank, Orphan Chamber, Burger Senate, Receiver and Controller of Customs, Ordinary Receiver, Director, Bookkeeper and Master Printer, Printing Office.

The Ordinance for the country districts refers to general regulations, instruction for the Landdrost, Landdrost and Heemraden, the Secretary and Vendu-master, Field Cornet, Messenger, Under-Sheriff and subordinate officers.

### 6. Memorials or Petitions.

The general petitions sent in to Government will be found with the Annexures to the Resolutions of the Council of Policy, 1803-1806.

Petitions for employment in the Government Service,  
**1803-1804.**<sup>1</sup>

1 vol.

<sup>1</sup> English précis in Leibbrandt's Requesten or Memorials, see appendix.

## DEPARTMENTS OF THE BATAVIAN REPUBLIC, 1803-1806.—(continued).

### 7. Finance.

#### *Receiver-General.*

Cash Accounts, <b>1804-1805.</b>	2 vols.
Extracts Resolutions of Council of Policy, <b>1802-1803.</b>	3 vols.
Ledger, <b>1803-1804.</b>	1 vol.
Spanish Reals issued by, <b>1803-1806.</b>	1 vol.
Report <i>re</i> Enquiry of Transfer of Colony's Treasury to E. Bergh, <b>1805.</b>	1 vol.
Warrants signed by Governor authorising payment, <b>1803-1805.</b>	12 bundles.
Warrant Book, <b>1805.</b>	

#### *Treasury.*

Minutes, <b>1803-1806.</b>	}	11 vols.
Minutes, <b>1803-1805</b> , Annexures.		
Minutes, <b>1803-1805</b> , Draft.		
Receipts for monies received from Colonial Treasury by officials and others, <b>1803-1805.</b>		16 vols.
Letters despatched by, June-December, <b>1804.</b>		

#### *Lombard Bank.*

Resolutions, <b>1803-1806.</b>	1 vol.
Acts and papers concerning paper money, <b>1795-1817.</b>	1 vol.
Money disbursed to Government Servants, <b>1805-1806.</b>	
Register of Table of money destroyed, 9th February, <b>1805.</b>	
Report by the Commission on the paper currency, <b>1805.</b>	1 vol.

### 8. Statutes.

One volume of original Cape Statutes.

### 9. Court of Petty and Matrimonial Cases.

Court of Petty Cases Minutes, <b>1803-1806.</b>	4 vols.
Court of Petty Cases Annexures to Minutes, <b>1805-1806.</b>	4 vols.
Court of Matrimonial Cases Minutes, <b>1803-1806.</b>	2 vols.
Court of Matrimonial Cases Annexures to Minutes, <b>1803-1804.</b>	5 vols.

## DEPARTMENTS OF THE BATAVIAN REPUBLIC, 1803-1806.—(continued).

### 10. Documents of De Mist.

In 1802 de Mist had been assigned the task of drawing up a document containing advice regarding the footing and manner upon which the new Government at the Cape was to be established. He made long and careful investigation of all the records and reports dealing with the Cape and preserved in the office of the Dutch East India Company. He read all the available printed books of travel which were of value. Although he had a big work to perform he accomplished it in so competent a manner that it met with the entire approval of the Government. He was later on sent out to the Cape as Commissioner-General to receive the country from the hands of the British, instal the new officials, and make such alterations as were necessary and issue instructions, which it was anticipated were to be drafted into a Charter for the Colony. The report was the result of his work before he came out and is one of the interesting and important documents dealing with the Batavian rule at the Cape. It relates to historical and geographical facts of the Cape, population, religion, education, agriculture, mines, political government, town and country administration, judicial establishment, commerce, slaves and natives, military matters, finance, and the administration of everything dealing with the East India trade.

Letters Despatched by Batavian Commissioners, May, **1802**, to January, **1803**. 1 vol.

Letters Despatched by de Mist to various officials and individuals while still in Holland, **1802**. 1 vol.

Letters Despatched by (1) Batavian Republic, (2) Asiatic Council, (3) Governor-General of India, **1802-1804**. 1 vol.

Letters Received from Governor-General of India, various individuals, colleges and chief officers, General J. W. Janssens, while still in Holland, **1802**. 1 vol.

Minutes of **1802-1805**. 6 vols.

Minutes of **1802-1804** (Secret). 1 vol.

Report on the Cape, **1802**. Copy with marginal notes in de Mist's own hand. A very interesting and useful document. 1 vol.

Resolutions (extracts) of the Asiatic Council sent to de Mist, April-August, **1802**. 1 vol.

Resolutions (extracts) of the Batavian Government. 1 vol.



## DEPARTMENTS OF THE BATAVIAN REPUBLIC, 1803-1806.—(continued).

### 11. Miscellaneous.

Documents relating to the privilege of brewing of beer at the Brewery, being extracts from the records in the matter of Van Reenen, **1803-1804.** 1 vol.

Extracts of resolutions of Governor and Council for the Landdrost of Tulbagh, **1805.** 1 vol.

Receipts for goods and money in connection with the Wharf, **1804-1805.** 1 vol.

Sureties given by officials on behalf of Government, **1803-1805.** 1 vol.

Oath taken by Officials,<sup>1</sup> **1802-1805.** 1 vol.

Report on lands at St. Helena and Saldanha Bays by J. J. Vos and J. W. Wernich, **1805.**

Report of the Commission for the Improvement of Cattle and Stock Breeding, **1804.** 1 vol.

Journal of Commission for the Improvement of Cattle and Stock Breeding, **20-11-1805.**<sup>2</sup> 1 vol.

In 1804 de Mist appointed this Commission, which consisted of a President, Vice-President and twelve members experienced in farming. They made a lengthy tour of the country and kept a diary of their doings.

Memo of daily and weekly returns by bakers of Cape Town regarding bread consumption, **1805-1806.** 1 vol.

Conditions of sale of wines and spirits and other revenues of Government, **1804.** 1 vol.

Conditions and contracts for work to be performed, **1803-1804.** 1 vol.

Printing Office Accounts of Administration and Income, **1804.** 1 vol.

Before the close of the Company's rule unsuccessful attempts had been made to introduce a printing press. The Company's Bookbinder, J. C. Ritter, was possessed of a small press and produced an almanac for **1795, 1796 and 1797.** Only a fragment of the one for 1796 exists. The first printed Government document in the Archives is a proclamation of 26.2.1799. (See illustration, page 54.) From the beginning of the next year onwards there are several proclamations. The first newspaper printed in South Africa was the Cape Town Gazette and African Advertiser, which eventually became the *Cape Government Gazette*. It was issued on 16.8.1800 in English and Dutch. (See illustration of first number on page 64.)

Ships' Arrivals and Departures, **1803-1806.** 3 vols.

Copies of documents in case of Frans Stirpriaan, **1803.** 1 vol.

<sup>1</sup> Contains also the oath taken by British subjects to the Batavian Government.

<sup>2</sup> Printed in Theal's "Belangryke Historische Dokumenten," see appendix.



## APPENDIX.

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### I.—GOVERNMENT ADVERTISEMENT.

It having been reported to His Excellency the Governor that the Volumes and Papers enumerated in the subjoined List are not to be found among the Records of the Colonial Office; and that, as various individuals have, from time to time, had access to the Records, there is reason to believe that many, if not all, of the missing Volumes may be extant within the Colony.

It is therefore hereby notified that it is the desire of His Excellency that any person in possession of these, or any other Volumes, or Official Papers, appertaining to the Public Records of the Colony, whether in original or in duplicate, may be pleased to restore them to their proper place without delay.

(1) The Dag Registers, or Journals, for the years **1674, 5, 6; 1680, 1, 2, 3, 8; 1690, 1, 2, 3, 4, 5, 9; 1700, 4, 6, 9; 1713, 1751.**

(2) The Journals and Volumes of "Letters Despatched" from the year **1788 to 1795, inclusive.**

(3) The Report of the Inquiry of Messrs. Mathiessen, Maxwell and Dickens, **1802.**

(4) Sundry Journals and Reports of Expeditions into the Interior, in particular of Ensign Beutler in **1752,** and H. Hop in **1762.**

Colonial Office, Cape of Good Hope, 20th March, 1839.

By His Excellency's Command,

(Signed) JOHN BELL,

Secretary to Government.

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### II.—LIST OF THE OLDER RECORDS OF SEVERAL MAGISTRATES' OFFICES OF THE CAPE PROVINCE NOW PRESERVED IN THE CAPE ARCHIVES.

The country districts of the Cape Colony were controlled by Landdrosts (or Magistrates), who, together with a certain number of Heemraden, formed a Court which tried petty civil disputes. The Heemraden were chosen from amongst the

**APPENDIX**—(continued).

principal and most respectable inhabitants of the district. As an administrative body the Court of Landdrost and Heemraden maintained order throughout the district and saw to matters regarding rivers, watercourses, roads and bridges. It had power to compel the inhabitants to supply wagons, cattle, slaves and their own labour for carrying out public works, and also acted as a District Council. In judicial matters it settled land disputes regarding boundaries, roads and servitudes. It tried cases in which the amount disputed did not exceed £10, increased later to £30. Disputes and cases were settled without form of process, and in the former case two commissioned Heemraden endeavoured to bring the parties to an amicable agreement and prevent the case being taken before the full Court. Courts of Landdrost and Heemraden were abolished in 1827 and their duties transferred to Magistrates and Civil Commissioners then created.

Beaufort West, Sub-District of Graaff-Reinet **1818**,  
magisterial district **1836**.

George, established **1811**.

Graaff-Reinet, established **1785**.

Knysna, established **1858**.

Malmesbury, established **1839**.

Mossel Bay, established **1848**.

Riversdale, established **1848**.

Simonstown, established **1814**.

Somerset East, established **1825**.

Stellenbosch, established **1682**, when first Heemraden  
appointed, **1685** first Landdrost.

Swellendam, established **1745**.

Tulbagh, established **1804**.

Uitenhage, established **1804**.

Worcester, established **1819**.

A census was taken yearly of the people. The return or "opgraaf" of the following districts is in the Archives. Some of the years are wanting:

Beaufort West, **1815-1833**.

Cape, **1799-1825**.

George, **1811 to 1826**.

Graaff-Reinet, **1787-1840**.

Simonstown, **1824**.

Somerset East, **1825**.

Stellenbosch, **1692 (copy), 1716-1845**.

Swellendam, **1765, 1806-1840**.

Tulbagh, **1805-1828**.

Uitenhage, **1810, 1815-1826**.

Worcester, **1820-1826**.

## APPENDIX—(continued).

## III.—LIST OF PUBLICATIONS RELATING TO DOCUMENTS IN THE CAPE ARCHIVES.

## D. MOODIE.

The record of a series of official papers relative to the conditions and treatment of the Natives of South Africa. Published 1838.

Part I., **1649-1720.**

„ II., **1769-1795.**

„ III., **1808-1819.**

List of documents relating to Kafirs, **1737-1812**, published 1836.

List of documents relating to Bushmen, **1769-1812**, 1836.

## G. MCCALL THEAL, LL.D., LITT.D.

Catalogue of Documents from 16th September, **1795**, to 21st February, **1803**, in the Collection of Colonial Archives at Cape Town, 1880.

Abstract of the Debates and Resolutions of the Council of Policy at the Cape, from **1651** to **1687**, 1881.

Belangryke Historische Dokumenten verzameld in de Kaap Kolonie en elders. 1896.

Volume 1. Instructie van den Commissaris Hendrik Adriaan van Reede, **1685**. Verscheidene dokumenten betrekking hebbende tot den oproermaker Estienne Barbier, **1739**. Reis van den Gouverneur Joachim van Plettenberg, **1778**.

Volume 2. The Antiquity of Man in South Africa. Bushman Paintings. Reis naar Delagoa Baai in **1688**. Reisen naar Inhambane in **1732** en **1733**. Reis van den Vaandrig Beutler, **1752**. Reis naar Inhambane, **1770**.

Volume 3. Published 1911. This volume contains copies of documents in Europe. The following is in the Archives: Dagverhaal der Reis en Verrichtingen van leden uit de Commissie van Veeteelt en Landbouw in de beide Roggeveld, den Hantam, enz.

Records of Cape Colony, **1793** to **1827**, in 35 volumes. Volumes 1 to 5 contain the period **1793** to **1806**.

## REV. H. C. V. LEIBBRANDT.

“Precis of the Archives” Series.

The Defence of Willem Adriaan van der Stel, 1897.

Resolutien van den Commandeur en Raden van het Fort de Goede Hoop, **1652-1662**. 1898.

Journal, **1651-1662**, 3 volumes. 1897.

## APPENDIX—(continued).

Journal, <b>1662-1670.</b>	1901.
Journal, <b>1671-1674</b> and <b>1676.</b>	1902.
Journal, <b>1699-1732.</b>	1896.
Letters Received, <b>1649-1662.</b>	1898.
Letters Received, <b>1649-1662.</b>	1899.

The above two volumes contain a transcript of the original Dutch with an English translation. Volume 2 also contains the following: Instructions left by the Hon. Ryckloff van Goens, Sr., **1657**; Memorandum by Joan Cuneus for the Hon. Commander Johan van Riebeeck, by which he shall regulate himself for the future, 18th March, **1658**; Memorandum by Pieter Sterthemius for the same, to serve for his guidance until further orders from Home, 12th March, **1660**; Report of Commissioner Ryckloff van Goens, 16th April, **1657**; Report of Commissioner Ryckloff van Goens, 27th March, **1657**; Report of Commissioner Andries Frisius, 4th July, **1661**; Proclamations issued by Commander Johan van Riebeeck and Council, 9th April, **1652**, to 18th December, **1661**.

Letters Received, **1695-1708.** 1896.

Letters Despatched, **1652-1662.** 3 Volumes, Dutch and English. 1900.

Volume 3 also contains the following: Van Riebeeck's Instruction for Commander Z. Wagenaer; Memorandum of conditions made with the Freeman, **1657**; Letters of Freedom, **1657-1662**; List of Freeman, **1660-1662**; Muster Roll of the officers, soldiers and sailors at the Fort the Good Hope, **1656-1662**; List of persons who died in the Fort Good Hope, **1655-1662**; Title Deeds issued, **1657-1662**; Journal to Tristan da Cunha, **1655-1656**; Attestations, Declarations and Affidavits, **1652-1665**.

Letters Despatched, **1696-1708.** 1896.

Requesten or Memorials, A—E, **1715-1806.** 1905.

Requesten or Memorials, F—O, **1715-1806.** 1906.

In Volume 1 of this series it is stated that some of the years are missing. From 1792 all Requesten or Petitions were bound with "Bylagen" or Annexures. which fact had probably been overlooked.

## A. VAN PALLANDT.

General remarks on the Cape of Good Hope, **1803**. Translated from the French and printed for the Trustees, S.A. Public Library, 1917.

**APPENDIX**—(continued).**IV.—LIST OF DAG REGISTERS OR JOURNALS OF WHICH ORIGINALS, DUPLICATES AND VERBATIM COPIES ARE IN THE CAPE ARCHIVES.****ORIGINAL.**

1652-1655, 1655-1658, 1659-1661, 1662-1666, 1672-1673, 1677-1678, 1679, 1684, 1685-1686, 1687, 1689, 1694, 1696, 1697-1698, 1701, 1702-1703, 1705, 1707-1708, 1710-1712, 1715-1716, 1717-1722 (duplicate), 1718-1724, 1723-1727 (duplicate), 1725-1726, 1728-1730, 1728-1732 (duplicate), 1731-1732, 1735-1738, 1733-1737 (duplicate), 1737-1739, 1738-1745 (duplicate), 1739-1743, 1744-1751, 1746-1751 (duplicate), 1752-1757 (duplicate), 1752, 1754, 1756, 1758-1760, 1753, 1758-1761 (duplicate), 1761-1765, 1762-1765 (duplicate), 1766-1770 (duplicate), 1766-1771, 1771-1774 (duplicate), 1772-1776, 1775-1780 (duplicate), 1778-1781, 1783-1784, 1781-1787 (duplicate), 1794.

**VERBATIM COPY.**

1652-1655, 1656-1658, 1659-1661, 1662-1666, 1667-1670, 1671-1673, 1674 and 1676, 1677-1679, 1680-1683, 1684-1686, 1687, 1689-1690 and 1692, 1693-1695, 1696-1698, 1699-1701, 1702-1704, 1705-1706, 1707-1708, 1709-1710, 1711-1714, 1715-1721, 1722-1727, 1728-1730, 1731-1736, 1737-1743, 1744-1750, 1751-1755, 1756-1761, 1762-1765, 1766-1770, 1771-1774, 1775-1779, 1780-1783, 1784-1789, 1791.

**V.—LIST OF PARLIAMENTARY BLUEBOOKS RELATING TO THE CAPE ARCHIVES AND ANNUAL REPORTS OF THE KEEPER.**

Report and Proceedings of the Commission appointed to collect, examine, classify and index the Archives of the Cape of Good Hope, **1876.** G. 9—'77.

Contains in the Appendix "Inventory of the Cape Archives," drawn up by the late Dr. T. W. G. van Oordt.

Letter from John Noble, Esq., Clerk of the House of Assembly, reporting the result of an examination of certain old papers and records relating to the affairs of the Cape of Good Hope preserved in the Public Archives, 26th May, **1879.** G. 52—'80.

The documents referred to will be found published in Theal's "Records of Cape Colony."

Correspondence respecting the constitution of the post of Keeper of the Colonial Archives a separate appointment, **1881.** A. 4—'81.



**APPENDIX**—(continued).

Report upon the Archives of the Cape Colony preserved amongst the Archives of the Netherlands at the Hague, by George M. Theal, Esq., 2nd March, **1882**.

G. 61—'82.

Contains copies of Charts: (1) Castle, garden and town in Table Valley, **1693**; (2) Route of journey taken by Van der Stel to Namaqualand, **1685**.

Report of the Colonial Historiographer upon documents referring to South Africa and not under the care of the Keeper of the Archives, London, 16th March, **1895**.

G. 58—'95\*.

Transcripts of these have been made and are preserved in the Cape Archives.

Report of the Select Committee on the Colonial Archives, 29th May, **1895**.

C. 1—'95.

Report of the Select Committee on the Colonial Archives, 9th July, **1896**.

C. 3—'96.

Reports of the Keeper of the Archives for the following years: 1881, G. 50—'81; 1882-3, G. 77—'83\*; 1892, G. 22—'93\* (no report since 1882); 1896, G. 57—'97\*; 1897, G. 13—'98\*; 1898, G. 10—'99\*; 1899, G. 49—1900\*; 1900-1, G. 6—1902\*; 1902, G. 47—1903\*; 1903, G. 44—1904\*; 1904, G. 44—1904\*; 1905, G. 42—1906\*; 1906, G. 45—1907\*; 1907, G. 30—1908\*.

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**VI.—NOTE ON SOME OF THE TRANSCRIPTS OF DOCUMENTS MADE FOR THE CAPE ARCHIVES BY DR. G. McC. THEAL.**

From the British Museum, India Office and Public Record Office, London.

Extracts from letters concerning the call of ships of the English East India Company and dealings at the Cape, **1608-1632**.

Letter from J. Maxwell to Rev. Dr. Harris giving an account of the Cape, **1706**.

Memorial concerning the Cape Colony by A. E. van Braam Houckgeest, **1789**.

Correspondence from John Pringle to Directors of English East India Company, **1795-1803**.

Account of the conquest of the Cape, Lt.-Colonel Wilson, **1806**.

Description of the Cape by Lt.-Colonel Wilson, **1806**.

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\* A few copies of these are still procurable from the Government Stationery Office, Cape Town.



**APPENDIX**—(continued).

In Holland.

Extracts from the resolutions of the States General, **1688.**

Extracts from the resolutions of the Chamber of Seventeen, **1616-1690.** Several of these between 1685 and 1688 refer to the sending out of the French Refugees to the Cape.

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**VII.—BRIEF SUMMARY OF SOME OF THE MORE IMPORTANT DOCUMENTS REFERRED TO IN THE FOREGOING.**

**COUNCIL OF POLICY, 1652-1795.**

Resolutions of Council of Policy, page 21.

Despatches to and from Cape, 13-14.

Journal, 15.

Reports to Directors and Cape officials, amongst which de Chavonnes 1717, 17, van Imhoff 1743, 17, Nederburgh and Frykenius 14-17. The last is very important, and amongst the annexures are many papers of great value.

Instructions issued to various officials, 19. Very important series. The volumes 1652-1787, pp. 19-20, are most useful.

Burger Papers, 21. Those relating to the complaints of the burgers give many items of interest.

Secretary of Council of Policy, Documents in custody of, 24. Gives references to principal despatches classified according to subject. Very important.

Land tenure. A number of documents give several references to this study, 25, 59.

Money. There are one or two classes of records helpful in this study, 27, 58, 66.

Memorials or Petitions. A most useful series to the study of the social history and genealogy of the country, 25, 58, 65.

Statutes. The original laws passed for the Cape people. Very useful in general study, 24.

Sluysken's Papers. Contain his despatches, with annexures, to Holland, 14.

De Mist in framing his report on the Cape drew a good deal of information from both the papers of Sluysken and the Commissioners Nederburgh and Frykenius.

**COURT OF JUSTICE, 1656-1806.**

Civil and Criminal Cases, 34-36. Of great value for studying the legal procedure.

**APPENDIX**—(continued).

Records and Library, 39. The inventory referred to gives a good idea of the various classes of papers filed in the Court Archives.

Memorials or Petitions. Apart from the varying nature of the petitions, this series are helpful in tracing the procedure of the Court.

Vendu Rolls, 41. See note under Orphan Chamber.

**ORPHAN CHAMBER, 1673-1806.**

Wills, 47. Valuable for genealogical information.

Inventories, 47. The details given in the inventories are useful for a social and economic study.

Vendu Rolls, 48. Useful in ascertaining auction prices of goods.

Liquidation and Distribution Accounts. Annexures, 48. Most interesting details to be found with these records. See remark in this connection.

Death Register, 49. From a genealogist's point of view this is invaluable.

Conditions of Sale. Useful in tracing successive owners of places and references to grants and transfers.

**1795-1803.**

Annexures to Despatches, 57. Interesting details regarding revenue and expenditure, census, capital punishment, etc. To be found printed for the most part in Theal's "Records of Cape Colony."

Burger Senate Documents, 58. Letters received by Government give an insight into municipal administration, items relating to paper currency, prices of colonial produce, and trade.

Memorials, 58. These petitions are useful on social and economic points. Those asking for land give material for a study on land tenure.

**1803-1806.**

Resolutions, 64. Like the Resolutions of the Council of Policy in the first period, these are most important on general historical and local events.

Instructions, 65. These are of considerable interest and importance, especially in view of the change of form in the Government which de Mist had in mind when framing many of them.

Memorials, 65. The same note made in the earlier periods applies.

Documents of de Mist, 67. Many of these are both interesting and important. The report of de Mist on the Cape is important.

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